

FIFTY-SEVENTH DAY

(Monday, May 1, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hicks.
Adamson.	Hill of Brazoria.
Aikin.	Hill of Webb.
Alexander.	Hodges.
Alsup.	Holekamp.
Anderson	Holland.
of Bexar.	Holloway.
Anderson	Hoskins.
of Johnson.	Huddleston.
Baker.	Hughes.
Barrett.	Hunt.
Beck.	Hyder.
Bedford.	Jackson.
Bourne.	James.
Bradley.	Jefferson.
Burns.	Johnson
Butler.	of Anderson.
Camp.	Jones of Atascosa.
Canon.	Jones of Shelby.
Cathey.	Kayton.
Caven.	Kyle of Hays.
Celaya.	Kyle of Palo Pinto.
Chastain.	Laird.
Clayton.	Latham.
Colson.	Lemens.
Coombes.	Lindsey.
Cowley.	Long.
Crossley.	Lotief.
Daniel.	Mackay.
Davidson.	Magee.
Dean.	Mathis.
Devall.	McClain.
Dunlap.	McCullough.
Dunagan.	McDougald.
Duvall.	McGregor.
Dwyer.	McKee.
Engelhard.	Merritt.
Fain.	Metcalfe.
Few.	Mitcham.
Fisher.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Nicholson.
Goodman.	Palmer.
Graves.	Parkhouse.
Greathouse.	Patterson.
Griffith.	Pavlica.
Haag.	Pope.
Hankamer.	Puryear.
Harman.	Ramsey.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Hester.	Riddle.

Roberts.	Sullivant.
Rogers of Hunt.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Tillery.
Ross.	Townsend.
Russell.	Turlington.
Savage.	Van Zandt.
Scarborough.	Vaughan.
Scott.	Wagstaff.
Shannon.	Walker.
Shults.	Weinert.
Smith.	Wells.
Stanfield.	West.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	Young.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Renfro for today, on motion of Mr. Head.

Mr. Leonard for today, on motion of Mr. Glass:

Mr. Calvert for today, on motion of Mr. Hankamer.

Mr. Reed of Dallas for today, on motion of Mr. Stinson.

Mr. Jones of Runnels was granted leave of absence for today, on account of a death in his family, on motion of Mr. Lindsey.

Mr. Johnson of Dimmit was granted leaves of absence for today and the balance of the week, on account of illness, on motion of Mr. Ford.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mrs. Hughes, Mr. Stinson, Mr. Coombes, and Mr. Parkhouse:

H. B. No. 911, A bill to be entitled "An Act defining and providing the powers and duties of commissioners

court with regard to the laying out, opening, widening, draining, grading, construction, building, repairing, and maintaining of public roads, bridges, and viaducts; providing for the employment of a county engineer and purchasing agent; fixing the compensation of certain officers and employes, and defining their duties; authorizing and providing for the purchase and condemnation of land, materials, and dirt for the construction and maintenance of public highways, and providing for the appraisalment of same; abolishing the payment of road taxes by labor, and providing for the use of convicts on public projects; prohibiting any officer and employe of the county from being interested in any contract involving said county; etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

Mr. Vaughan moved to introduce at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—102

Adamson.	Graves.
Aikin.	Haag.
Alexander.	Hankamer.
Alsup.	Harman.
Anderson	Harris.
of Bexar.	Hartzog.
Anderson	Hester.
of Johnson.	Hicks.
Baker.	Hill of Brazoria.
Beck.	Hill of Webb.
Bedford.	Hodges.
Bourne.	Holekamp.
Bradley.	Holland.
Burns.	Hoskins.
Butler.	Huddleston.
Camp.	Hughes.
Cathey.	Hyder.
Clayton.	Jackson.
Coombes.	James.
Cowley.	Johnson
Crossley.	of Anderson.
Davidson.	Jones of Shelby.
Dean.	Kayton.
Dévall.	Kyle of Palo Pinto.
Dunlap.	Laird.
Dunagan.	Latham.
Dwyer.	Lemens.
Fain.	Lindsey.
Few.	Lotief.
Fisher.	Magée.
Ford.	Mackay.
Glass.	McCullough.
Good.	McDougald.

McKee.	Rollins.
Merritt.	Ross.
Metcalfe.	Scarborough.
Mitcham.	Scott.
Moffett.	Shults.
Moore.	Smith.
Morrison.	Steward.
Morse.	Stinson.
Nicholson.	Tarwater.
Palmer.	Tennyson.
Parkhouse.	Thomas.
Pope.	Townsend.
Purveyar.	Turlington.
Ramsey.	Vaughan.
Ratliff.	Wagstaff.
Reader.	Walker.
Reed of Bowie.	Winningham.
Riddle.	Wood.
Roberts.	Young.
Rogers of Hunt.	

Nays—2

Fuchs.

Kyle of Hays.

Absent

Barrett.	Mathis.
Canon.	McClain.
Caven.	McGregor.
Celaya.	Munson.
Chastain.	Patterson.
Colson.	Pavlica.
Daniel.	Ray.
Duvall.	Rogers
Engelhard.	of Ochiltree.
Golson.	Russell.
Goodman.	Savage.
Greathouse.	Shannon.
Griffith.	Stanfield.
Harrison.	Stovall.
Head.	Sullivan.
Holloway.	Tillery.
Hunt.	Van Zandt.
Jefferson.	Weinert.
Jones of Atascosa.	Wells.
Long.	

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Vaughan:

H. B. No. 912, A bill to be entitled "An Act amending Article 920, of the Code of Criminal Procedure, as amended by the Acts of the Fortieth Legislature, so that the defendant placed in jail on account of failure to pay fine and costs shall be credited

on such a fine and cost at the rate of one dollar (\$1) per day for each day confined in jail, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

Mr. Few moved to introduce at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—103

Adamson.	Hughes.
Aikin.	Hunt.
Alexander.	Jackson.
Anderson	James.
of Johnson.	Johnson
Baker.	of Anderson.
Beck.	Jones of Atascosa.
Bedford.	Jones of Shelby.
Bourne.	Kayton.
Bradley.	Kyle of Palo Pinto.
Burns.	Laird.
Butler.	Latham.
Camp.	Lemens.
Canon.	Lindsey.
Cathey.	Lotief.
Caven.	Mackay.
Clayton.	Magee.
Coombes.	Mathis.
Cowley.	Merritt.
Daniel.	Metcalf.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunagan.	Morrison.
Dwyer.	Morse.
Engelhard.	Palmer.
Fain.	Parkhouse.
Few.	Puryear.
Fisher.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Golson.	Riddle.
Good.	Rogers of Hunt.
Graves.	Rollins.
Griffith.	Russell.
Haag.	Scarborough.
Hankamer.	Scott.
Harman.	Shannon.
Harris.	Shults.
Hartzog.	Smith.
Hester.	Steward.
Hicks.	Stinson.
Hill of Brazoria.	Tarwater.
Hill of Webb.	Tennyson.
Hodges.	Thomas.
Holekamp.	Tillery.
Holland.	Townsend.
Holloway.	Turlington.
Hoskins.	Vaughan.

Wagstaff.
Walker.
Winningham.

Wood.
Young.

Nays—3

Alsup.
Kyle of Hays.

Nicholson.

Absent

Anderson	McDougald.
of Bexar.	McGregor.
Barrett.	McKee.
Celaya.	Munson.
Chastain.	Patterson.
Colson.	Pavlica.
Crossley.	Pope.
Dunlap.	Ramsey.
Duvall.	Roberts.
Goodman.	Rogers
Greathouse.	of Ochiltree.
Harrison.	Ross.
Head.	Savage.
Huddleston.	Stanfield.
Hyder.	Stovall.
Jefferson.	Sullivant.
Long.	Van Zandt.
McClain.	Weinert.
McCullough.	Wells.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Stovall and Mr. Few:

H. B. No. 913, A bill to be entitled "An Act amending Articles 697 and 698, of the 1925 Revised Criminal Statutes of Texas, by providing that it shall be the duty of the Attorney General to prosecute all violations under said Articles either for the penal offense committed or to prevent the violations of same by the writ of injunction; and by further providing in said Article 697, that the terms of same shall apply to all municipal and private corporations, and that in said Article 698, the city manager of the municipal corporation shall be deemed guilty of such offense when committed, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has passed

S. B. No. 35, A bill to be entitled
"An Act amending Article 3118 by
adding to it Article 3118-a, providing
that the county executive committee
of any political party shall require a
bond of the county chairman, or of the
secretary, prescribing the conditions
and amount thereof, for the recovery
thereon, for the paying of the fees
therefor; and declaring an emer-
gency."

S. B. No. 395, A bill to be entitled
"An Act amending Article 3022, Re-
vised Civil Statutes, 1925; providing
for unofficial but complete returns, in
addition to official return as provided
by law; defining further the duties of
election officers, of the chairmen of
the State, district, and county execu-
tive committees of political parties,
of the county clerks, and of the Sec-
retary of State; providing for their
compensation for said additional du-
ties; providing for the payment of
expenses of unofficial returns; regu-
lating the use of unofficial returns;
amending Articles 3033 and 3034, Re-
vised Civil Statutes, 1925; amending
Articles 3123, 3124, and 3125, Revised
Civil Statutes, 1925; amending Arti-
cle 3127, Revised Civil Statutes, 1925;
amending Articles 3134 and 3135, Re-
vised Civil Statutes, 1925; providing
penalties for violation of this Act and
remedies for its enforcement; provid-
ing that if any section, paragraph, or
provision of this Act be held uncon-
stitutional or invalid, for any reason,
the same shall not impair or affect
the remaining portions or provisions
hereof; and declaring an emer-
gency."

S. B. No. 527, A bill to be entitled
"An Act amending Senate Bill No.
512, passed at the Regular Session of
the Forty-second Legislature, 1931;
providing for changing and prescrib-
ing times of holding court in the
Eighty-fourth Judicial District of
Texas; validating and containing all
processes and writs, bonds, and recog-
nizances, and making them returnable

to the terms of court in the several
counties in said district as herein
fixed; validating the summoning of
grand and petit jurors under the
present law so as to render them
available under the present Act; en-
acting proper provision relative to
any term of court that may be in ses-
sion when this Act takes effect; re-
pealing all laws in conflict herewith;
and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST
READING

The following Senate bills, received
from the Senate today, were laid be-
fore the House, read severally first
time, and referred to the appropriate
committees, as follows:

Senate Bill No. 35, to the Commit-
tee on Privileges, Suffrage, and Elec-
tions.

Senate Bill No. 395, to the Commit-
tee on Privileges, Suffrage, and Elec-
tions.

Senate Bill No. 527, to the Commit-
tee on Judiciary.

RELATIVE TO HOUSE BILL. NO.
888

Mr. Bradley moved to reconsider the
vote by which the House, on last Fri-
day, refused to print House Bill No.
888 on a minority report, and asked to
have the motion to reconsider spread
on the Journal.

RELATIVE TO HOUSE BILL NO. 84

Mr. Fain moved that House Bill No.
84 be laid on the table subject to call.

The motion was lost by the follow-
ing vote:

Yeas--53

Aikin.	Glass.
Alsup.	Golson.
Anderson	Graves.
of Johnson.	Greathouse.
Beck.	Griffith.
Bourne.	Hester.
Bradley.	Hodges.
Canon.	Holekamp.
Coombes.	Holloway.
Cowley.	Huddleston.
Davidson.	Hughes.
Dean.	Jones of Shelby.
Fain.	Kyle of Hays.
Few.	Kyle of Palo Pinto.
Fisher.	Latham.

Lemens.	Russell.
Lindsey.	Scott.
Magee.	Shults.
Mitcham.	Smith.
Morrison.	Tarwater.
Palmer.	Tennyson.
Puryear.	Thomas.
Ratliff.	Tillery.
Reed of Bowie.	Townsend.
Riddle.	Turlington.
Rogers of Hunt.	Winningham.
Rollins.	Young.

Nays—53

Alexander.	Kayton.
Baker.	Mackay.
Barrett.	Mathis.
Bedford.	McDougald.
Butler.	Merritt.
Caven.	Moffett.
Clayton.	Moore.
Devall.	Morse.
Dunlap.	Munson.
Dunagan.	Nicholson.
Dwyer.	Parkhouse.
Engelhard.	Patterson.
Ford.	Pavlica.
Fuchs.	Pope.
Hankamer.	Ray.
Harman.	Reader.
Harris.	Roberts.
Hartzog.	Ross.
Head.	Scarborough.
Hicks.	Shannon.
Hill of Brazoria.	Steward.
Hill of Webb.	Stinson.
Hyder.	Sullivant.
Jackson.	Wagstaff.
James.	Walker.
Johnson	Weinert.
of Anderson.	Wood.

Present—Not Voting

Hunt.	Vaughan.
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Absent

Adamson.	Jefferson.
Anderson	Jones of Atascosa.
of Bexar.	Laird.
Burns.	Long.
Camp.	Lotief.
Cathey.	McClain.
Celaya.	McCullough.
Chastain.	McGregor.
Colson.	McKee.
Crossley.	Metcalfe.
Daniel.	Ramsey.
Duvall.	Rogers
Good.	of Ochiltree.
Goodman.	Savage.
Haag.	Stanfield.
Harrison.	Stovall.
Holland.	Van Zandt.
Hoskins.	Wells.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

PROVIDING FOR ADJOURNMENT
SINE DIE

Mr. Anderson of Bexar offered the following resolution:

H. C. R. No. 74, Providing for adjournment sine die.

Resolved by the House of Representatives, the Senate concurring, that the Forty-third Legislature adjourn sine die at 12 o'clock noon, May 9, 1933.

The resolution was read second time.

Mr. Anderson of Bexar moved that the resolution be laid on the table subject to call.

(Mr. Jones of Atascosa in the Chair.)

Mr. Metcalfe moved to table the resolution.

Question recurring on the motion by Mr. Metcalfe, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—92

Adamson.	Good.
Alexander.	Graves.
Alsup.	Griffith.
Anderson	Haag.
of Johnson.	Hankamer.
Barrett.	Harman.
Bedford.	Harris.
Bourne.	Hartzog.
Bradley.	Head.
Camp.	Hester.
Canon.	Hicks.
Cathey.	Hill of Webb.
Celaya.	Hodges.
Clayton.	Holloway.
Coombes.	Hoskins.
Crossley.	Hughes.
Davidson.	Hunt.
Dean.	Hyder.
Devall.	Jackson.
Dunlap.	Johnson
Dunagan.	of Anderson.
Engelhard.	Jones of Shelby.
Few.	Kayton.
Fisher.	Kyle of Hays.
Ford.	Kyle of Palo Pinto.
Fuchs.	Latham.
Golson.	Lemens.

Lindsey.	Rogers
Lotief.	of Ochiltree.
Magee.	Rollins.
Mackay.	Ross.
McCullough.	Russell.
McGregor.	Scott.
McKee.	Shannon.
Merritt.	Smith.
Metcalfe.	Stanfield.
Mitcham.	Steward.
Moffett.	Stinson.
Morse.	Sullivan.
Palmer.	Tarwater.
Parkhouse.	Tennyson.
Pope.	Thomas.
Puryear.	Townsend.
Ramsey.	Turlington.
Ray.	Wagstaff.
Reader.	Winningham.
Roberts.	Wood.
Rogers of Hunt.	

Nays—31

Aikin.	James.
Anderson	Laird.
of Bexar.	Mathis.
Beck.	McDougald.
Burns.	Moore.
Butler.	Morrison.
Caven.	Munson.
Cowley.	Nicholson.
Dwyer.	Pavlica.
Fain.	Ratliff.
Glass.	Reed of Bowie.
Greathouse.	Shults.
Hill of Brazoria.	Tillery.
Holekamp.	Walker.
Holland.	Weinert.
Huddleston.	Young.

Present—Not Voting

Vaughan.

Absent

Baker.	Long.
Chastain.	McClain.
Colson.	Patterson.
Daniel.	Riddle.
Duvall.	Savage.
Goodman.	Scarborough.
Harrison.	Stovall.
Jefferson.	Van Zandt.
Jones of Atascosa.	Wells.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

RELATIVE TO PUBLICATION OF
SESSION LAWS

Mr. Coombes offered the following resolution:

Whereas, Members of the House have heretofore received a copy of Volume No. 1 of Ray's Advance Session Laws presented free to Members of the House by the publisher, and

Whereas, Said publication will contain in printed form all general laws passed by the Legislature far in advance of the official printing of same, and Volumes Nos. 1 and 2 of said publication do contain all laws passed and approved by the Governor during the first 100 days of this session, and said Volume No. 2 is now available, together with Volume No. 1, already in the hands of each Member of the House, and

Whereas, The complete set of Ray's Advance Session Laws will be published and delivered promptly before and after adjournment to subscribers at \$10 per set, but the publisher has agreed to sell to the House 150 subscriptions for \$2.75 per set, one for each Member, which includes all volumes issued except the first volume for which no charge whatever has been made, and

Whereas, Members of the Forty-third Legislature are constantly receiving inquiries regarding various laws passed at this session from their constituents over the State, and such information is of great importance to the citizens of this State and to our constituents at home, and can best be furnished by having copies of these laws in published form for reference during the balance of this session, and when the Members return to their homes after adjournment of the Regular Session, and long before the official copies of the laws passed at this session have been printed and bound by the State and furnished to the Members; therefore, be it

Resolved by the House of Representatives, That the offer of the publisher of Ray's Advance Session Laws, Worth S. Ray, be accepted, and that the House subscribe for one copy of each volume of said laws (exclusive of Volume No. 1, already received) containing all of the General Laws of the Forty-third Legislature, Regular Session, for each Member of this House at a price of \$2.75 per set for such remaining volumes, to be delivered as published, including the immediate delivery to each Member of Volume No. 2, containing all laws not published in Volume No. 1, which have been signed and approved during the first 100 days of this ses-

sion, and that said 150 subscriptions be paid for out of the Contingent Fund of the House.

COOMBES,
McCULLOUGH,
SAVAGE,
CAMP,
STINSON.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—61

Alsup.	Latham.
Bedford.	Lindsey.
Bradley.	Long.
Burns.	Mackay.
Butler.	Magee.
Camp.	Mathis.
Clayton.	McCullough.
Coombes.	McDougald.
Davidson.	McGregor.
Dunlap.	McKee.
Dunagan.	Morse.
Engelhard.	Munson.
Few.	Parkhouse.
Ford.	Ramsey.
Golson.	Ratliff.
Greathouse.	Reader.
Griffith.	Rogers
Haag.	of Ochiltree.
Hankamer.	Rollins.
Hartzog.	Russell.
Head.	Scarborough.
Hester.	Shannon.
Hill of Webb.	Smith.
Holekamp.	Stanfield.
Holland.	Stinson.
Hoskins.	Tarwater.
Hughes.	Townsend.
Hyder.	Turlington.
Jackson.	Wagstaff.
Jefferson.	Weinert.
Kyle of Hays.	Young.

Nays—43

Adamson.	Glass.
Aikin.	Good.
Alexander.	Harris.
Anderson	Hicks.
of Johnson.	Hill of Brazoria.
Baker.	Huddleston.
Barrett.	Hunt.
Beck.	James.
Bourne.	Jones of Shelby.
Cathey.	Kyle of Palo Pinto.
Crossley.	Laird.
Dean.	Lemens.
Fain.	Lotief.
Fisher.	Merritt.

Mitcham.	Scott.
Moffett.	Shults.
Nicholson.	Tennyson.
Pavlica.	Thomas.
Purveyar.	Tillery.
Ray.	Walker.
Reed of Bowie.	Winningham.
Roberts.	Wood.

Present—Not Voting

Stovall.	Vaughan.
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Absent

Anderson	Johnson
of Bexar.	of Anderson.
Canon.	Jones of Atascosa.
Caven.	Kayton.
Celaya.	McClain.
Chastain.	Metcalfe.
Colson.	Moore.
Cowley.	Morrison.
Daniel.	Palmer.
Devall.	Patterson.
Duvall.	Pope.
Dwyer.	Riddle.
Fuchs.	Rogers of Hunt.
Goodman.	Ross.
Graves.	Savage.
Harman.	Steward.
Harrison.	Sullivant.
Hodges.	Van Zandt.
Holloway.	Wells.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

RELATIVE TO HOUSE BILL NO.
122

Mr. Mathis moved to suspend Section 1, of Rule XV, of the House Rules, for the purpose of making a motion to reconsider the vote by which the House, on last Friday, concurred in Senate amendments to House Bill No. 122.

The motion to suspend the Rule prevailed by the following vote:

Yeas—89

Adamson.	Bradley.
Alexander.	Burns.
Alsup.	Butler.
Anderson	Cathey.
of Bexar.	Caven.
Anderson	Celaya.
of Johnson.	Clayton.
Baker.	Coombes.
Beck.	Cowley.
Bedford.	Crossley.
Bourne.	Davidson.

Dean.	Long.
Dunlap.	Lotief.
Dunagan.	Mackay.
Dwyer.	Mathis.
Engelhard.	McCullough.
Fisher.	McDougald.
Ford.	McGregor.
Fuchs.	McKee.
Golson.	Moffett.
Good.	Moore.
Greathouse.	Morse.
Griffith.	Nicholson.
Haag.	Pavlica.
Hankamer.	Pope.
Harris.	Ramsey.
Harrison.	Ratliff.
Hartzog.	Reader.
Hester.	Roberts.
Hicks.	Rogers
Hill of Brazoria.	of Ochiltree.
Hill of Webb.	Ross.
Holekamp.	Russell.
Holland.	Scarborough.
Holloway.	Scott.
Hoskins.	Shannon.
Huddleston.	Smith.
Hughes.	Steward.
Hyder.	Stinson.
Jackson.	Tennyson.
James.	Tillery.
Jefferson.	Wagstaff.
Johnson	Walker.
of Anderson.	Weinert.
Kayton.	Winningham.
Laird.	Young.
Latham.	

Nays—30

Aikin.	Merritt.
Barrett.	Mitcham.
Canon.	Morrison.
Fain.	Munson.
Few.	Parkhouse.
Glass.	Puryear.
Harman.	Ray.
Head.	Reed of Bowie.
Hunt.	Rollins.
Jones of Shelby.	Shults.
Kyle of Hays.	Stovall.
Kyle of Palo Pinto.	Thomas.
Lemens.	Turlington.
Lindsey.	Vaughan.
Magee.	Wood.

Absent

Camp.	Palmer.
Chastain.	Patterson.
Colson.	Riddle.
Daniel.	Rogers of Hunt.
Devall.	Savage.
Duvall.	Stanfield.
Goodman.	Sullivant.
Graves.	Tarwater.
Hodges.	Townsend.
Jones of Atascosa.	Van Zandt.
McClain.	Wells.
Metcalf.	

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

On motion of Mr. Mathis, the House reconsidered the vote by which the House concurred in the Senate amendments to House Bill No. 122.

Question then recurring on the motion to concur in Senate amendments to House Bill No. 122, it prevailed by the following vote:

Yeas—103

Adamson.	Holloway.
Alexander.	Hoskins.
Alsup.	Huddleston.
Anderson	Hughes.
of Bexar.	Hyder.
Baker.	Jackson.
Beck.	James.
Bedford.	Jefferson.
Bourne.	Johnson
Bradley.	of Anderson.
Burns.	Jones of Atascosa.
Butler.	Kayton.
Cathey.	Kyle of Palo Pinto.
Camp.	Laird.
Caven.	Latham.
Celaya.	Long.
Chastain.	Lotief.
Clayton.	Mackay.
Coombes.	McClain.
Cowley.	McCullough.
Crossley.	McDougald.
Daniel.	McGregor.
Davidson.	McKee.
Dean.	Metcalf.
Devall.	Moffett.
Dunlap.	Moore.
Dunagan.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Fisher.	Parkhouse.
Ford.	Patterson.
Fuchs.	Pavlica.
Golson.	Pope.
Good.	Ramsey.
Goodman.	Reader.
Graves.	Roberts.
Greathouse.	Rogers of Hunt.
Griffith.	Rogers
Haag.	of Ochiltree.
Hankamer.	Ross.
Harris.	Russell.
Harrison.	Savage.
Hartzog.	Scarborough.
Hester.	Shannon.
Hicks.	Smith.
Hill of Brazoria.	Stanfield.
Hill of Webb.	Steward.
Holekamp.	Stinson.
Holland.	Sullivant.

Tennyson.	Walker.
Tillery.	Weinert.
Van Zandt.	Winningham.
Wagstaff.	Young.

Nays—26

Aikin.	Magee.
Anderson	Merritt.
of Johnson.	Morrison.
Barrett.	Ratliff.
Canon.	Ray.
Fain.	Reed of Bowie.
Few.	Rollins.
Glass.	Shults.
Head.	Stovall.
Hunt.	Thomas.
Jones of Shelby.	Turlington.
Kyle of Hays.	Vaughan.
Lemens.	Wood.
Lindsey.	

Absent

Colson.	Puryear.
Duvall.	Riddle.
Harman.	Scott.
Hodges.	Tarwater.
Mathis.	Townsend.
Mitcham.	Wells.
Palmer.	

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 48, Recalling House Bill No. 845 for further consideration by the Senate.

HOUSE BILL NO. 484 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, on its passage to engrossment,

H. B. No. 484, A bill to be entitled "An Act providing for the repeal of Section 4-a, Chapter 22, General Laws of the Fifth Called Session of the Forty-first Legislature, being 'An Act providing for the sale of certain lands in Sabine Lake,' and declaring an emergency";

The bill having been read second time on last Friday.

Mr. Nicholson offered the following amendment to the bill:

Amend House Bill No. 484 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. That Section 4-a, of Chapter 22, of the General Laws of the Fifth Called Session of the Forty-first Legislature, be amended so as to hereafter read as follows:

"It is expressly understood that the authorization of said patent is to enable the financing of a toll road connection between Texas and Louisiana, easterly of the City of Port Arthur, and if said patent, his heirs, and assigns shall fail to make said road connection within six years from the date of such patent, said patent shall become null and void. Provided further, that in the event of such failure of performance and patent, the said patent, his heirs, and assigns shall, upon release of all rights, title, and interest to, or in, the involved lands, and showing to this effect to the State Treasurer, be entitled, without suit, to recover from the State Treasurer, out of any unappropriated balance in the General Revenue Fund of the State, the purchase money paid to the State for such lands."

"Sec. 2. The fact that the purchaser of said involved land has paid in full to the Land Commissioner of the State of Texas all of the necessary moneys called for under Chapter 22, of the General Laws of the said Called Session, and the fact that certain provisions of said Section 4-a embarrass the financing of any reclamation project that may be contemplated create an emergency and necessity, requiring the suspension of the constitutional rule, which requires bills to be read on three several days in each House, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Lemens moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Nicholson, it was lost.

House Bill No. 484 was then passed to engrossment by the following vote:

Yeas—69

Alsup.	Jefferson.
Anderson	Johnson
of Johnson.	of Anderson.
Barrett.	Jones of Shelby.
Burns.	Kyle of Palo Pinto.
Canon.	Latham.
Cathey.	Lemens.
Chastain.	Lindsey.
Clayton.	Mackay.
Coombes.	McClain.
Cowley.	McCullough.
Crossley.	Metcalfe.
Daniel.	Moore.
Davidson.	Morse.
Engelhard.	Palmer.
Few.	Patterson.
Fisher.	Ramsey.
Ford.	Ratliff.
Fuchs.	Riddle.
Glass.	Rogers of Hunt.
Golson.	Rogers
Good.	of Ochiltree.
Graves.	Rollins.
Griffith.	Russell.
Haag.	Scarborough.
Harrison.	Scott.
Hartzog.	Stanfield.
Head.	Steward.
Hester.	Townsend.
Hicks.	Turlington.
Hill of Webb.	Van Zandt.
Holland.	Walker.
Holloway.	Wells.
Hyder.	Winningham.
Jackson.	Wood.
James.	Young.

Nays—39

Adamson.	Magee.
Aikin.	Mathis.
Alexander.	McDougald.
Anderson	Merritt.
of Bexar.	Munson.
Baker.	Nicholson.
Beck.	Parkhouse.
Bradley.	Pope.
Caven.	Puryear.
Devall.	Ray.
Fain.	Reed of Bowie.
Goodman.	Roberts.
Greathouse.	Shannon.
Hankamer.	Shults.
Harris.	Stinson.
Holekamp.	Stovall.
Huddleston.	Tarwater.
Hughes.	Thomas.
Kayton.	Tillery.
Laird.	Vaughan.

Present—Not Voting

Bourne.	Mitcham.
Dean.	Moffett.
Hunt.	Smith.
Kyle of Hays.	Tennyson.
McKee.	

Absent

Bedford.	Jones of Atascosa.
Butler.	Long.
Camp.	Lotief.
Celaya.	McGregor.
Colson.	Morrison.
Dunlap.	Pavlica.
Dunagan.	Reader.
Duvall.	Ross.
Dwyer.	Savage.
Harman.	Sullivan.
Hill of Brazoria.	Wagstaff.
Hodges.	Weinert.
Hoskins.	

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

MOTION TO TAKE UP HOUSE
BILL NO. 484

Mr. Chastain moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 484 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—78

Aikin.	Hartzog.
Alsup.	Head.
Anderson	Hester.
of Johnson.	Hicks.
Barrett.	Hill of Webb.
Bourne.	Hodges.
Bradley.	Holland.
Burns.	Holloway.
Canon.	Hunt.
Cathey.	Hyder.
Chastain.	Jackson.
Clayton.	James.
Colson.	Jefferson.
Coombes.	Johnson
Cowley.	of Anderson.
Crossley.	Jones of Shelby.
Daniel.	Kyle of Hays.
Davidson.	Kyle of Palo Pinto.
Engelhard.	Latham.
Few.	Lemens.
Fisher.	Lindsey.
Ford.	Mackay.
Fuchs.	Mathis.
Glass.	McClain.
Golson.	McCullough.
Good.	Metcalfe.
Graves.	Mitcham.
Griffith.	Moore.
Haag.	Morse.
Harrison.	Palmer.

Ramsey.	Steward.
Ratliff.	Tennyson.
Riddle.	Townsend.
Rogers of Hunt.	Turlington.
Rogers	Van Zandt.
of Ochiltree.	Walker.
Rollins.	Wells.
Russell.	Winningham.
Scarborough.	Wood.
Scott.	Young.
Stanfield.	

Nays—35

Adamson.	Merritt.
Alexander.	Moffett.
Anderson	Munson.
of Bexar.	Nicholson.
Baker.	Parkhouse.
Beck	Pope.
Camp.	Puryear.
Caven.	Ray.
Devall.	Reed of Bowie.
Fain.	Roberts.
Hankamer.	Shannon.
Harris.	Shults.
Huddleston.	Smith.
Hughes.	Stinson.
Kayton.	Stovall.
Long.	Thomas.
Magee.	Tillery.
McDougald.	Vaughan.

Present—Not Voting

Holekamp.	Tarwater.
McKee.	

Absent

Bedford.	Jones of Atascosa.
Butler.	Laird.
Celaya.	Lotief.
Dean.	McGregor.
Dunlap.	Morrison.
Dunagan.	Patterson.
Duvall.	Pavlica.
Dwyer.	Reader.
Goodman.	Ross.
Greathouse.	Savage.
Harman.	Sullivant.
Hill of Brazoria.	Wagstaff.
Hoskins.	Weinert.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

**CONFERENCE COMMITTEE RE-
PORT ON SENATE BILL
NO. 435**

Mr. Van Zandt submitted the following conference committee report on Senate Bill No. 435:

Committee Room,

Austin, Texas, April 27, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, appointed to adjust the differences between the Senate and House on

S. B. No. 435, A bill to be entitled "An Act amending Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, so as to provide that no officer shall collect any fees from the State of Texas in any case, except murder, where a defendant may, under the indictment, be convicted of a misdemeanor or a felony with punishment assessed at a fine, jail sentence, or both such fine and imprisonment in jail, until after the case has been finally disposed of; providing that the provisions of this Act shall not be construed as in any way affecting the provisions of Article 1019, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature; and declaring an emergency,"

Beg to say that the differences have been adjusted, and we recommend the adoption of the new bill herewith submitted:

"S. B. No. 435,

A BILL

To Be Entitled

An Act amending Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, so as to provide that no officer shall collect any fees from the State of Texas in any case, except murder, where a defendant may, under the indictment, be convicted of a misdemeanor or a felony with punishment assessed at a fine, jail sentence, or both such fine and imprisonment in jail, until after the case has been finally disposed of; providing that the provisions of this Act shall not be construed as in any way affecting the provisions of Article 1019, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, be amended so as to hereafter read as follows:

"Article 1027. In all cases where a defendant is indicted for a felony, but under the indictment he may be convicted of a misdemeanor, or a felony, and the punishment which may be assessed is a fine, jail sentence, or both such fine and imprisonment in jail, the State shall pay no fees to any officer, except where the defendant is indicted for the offense of murder, until the case has been finally disposed of in the trial court. Provided, the provisions of this Article shall not be construed as affecting in any way the provisions of Article 1019, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature; provided, this shall not apply to examining trial fees to county attorneys and/or criminal district attorneys."

Sec. 2. The fact that under the provisions of Article 1027, Code of Criminal Procedure, as it now exists, officers may collect fees from the State in any felony case of the character mentioned in this Act before the case is finally disposed of, and when a conviction is finally had for a felony, but with punishment assessed at a fine, jail sentence, or both such fine and jail sentence, or finally convicted of a misdemeanor, the officers collecting such fees must return the same to the State, thereby causing much useless bookkeeping and unnecessary expense to the State, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be, and the same is hereby, suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

MOORE,
DeBERRY,
WOODUL,
POAGE,
BECK,

On the part of the Senate;

VAN ZANDT,
LEMENS,
BECK,
RATLIFF,

On the part of the House.

On motion of Mr. Van Zandt, the report was adopted by the following vote:

Yeas—104

Adamson.	Kayton.
Aikin.	Kyle of Hays.
Alexander.	Kyle of Palo Pinto.
Alsop.	Latham.
Anderson	Lemens.
of Bexar.	Long.
Anderson	Lotief.
of Johnson.	Magee.
Baker.	Mackay.
Barrett.	Mathis.
Bedford.	McClain.
Bourne.	McCullough.
Bradley.	McGregor.
Canon.	McKee.
Cathey.	Merritt.
Celaya.	Metcalfe.
Chastain.	Mitcham.
Clayton.	Moffett.
Coombes.	Moore.
Crossley.	Morrison.
Dean.	Morse.
Devall.	Nicholson.
Dunlap.	Palmer.
Dwyer.	Parkhouse.
Engelhard.	Pope.
Fain.	Ramsey.
Few.	Ratliff.
Fisher.	Ray.
Ford.	Reed of Bowie.
Fuchs.	Riddle.
Glass.	Rogers of Hunt.
Golson.	Rogers of Ochiltree.
Good.	Rollins.
Goodman.	Ross.
Graves.	Russell.
Greathouse.	Savage.
Griffith.	Scarborough.
Hankamer.	Scott.
Harman.	Shannon.
Harris.	Shults.
Hartzog.	Stanfield.
Head.	Steward.
Hester.	Stinson.
Hill of Brazoria.	Stovall.
Hill of Webb.	Sullivant.
Holekamp.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Townsend.
Jackson.	Turlington.
James.	Van Zandt.
Jefferson.	Wagstaff.
Johnson	Weinert.
of Anderson.	Wood.
Jones of Shelby.	

Nays—6

Burns.	Puryear.
Hyder.	Vaughan.
Munson.	Walker.

Absent

Beck.	Butler.
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Camp.	Hunt.
Caven.	Jones of Atascosa.
Colson.	Laird.
Cowley.	Lindsey.
Daniel.	McDougald.
Davidson.	Patterson.
Dunagan.	Pavlica.
Duvall.	Reader.
Haag.	Roberts.
Harrison.	Smith.
Hicks.	Tarwater.
Hodges.	Tillery.
Holland.	Wells.
Holloway.	Winningham.
Hughes.	Young.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has adopted

S. J. R. No. 4, Proposing amend-
ments to Sections 4, 22, and 23, of
Article IV, of the Constitution of the
State of Texas, by providing that the
terms of office for the Governor, At-
torney General, Comptroller of Pub-
lic Accounts, Treasurer, and Commis-
sioner of the General Land Office
shall each be limited to only one term
of four years, and that each said offi-
cer shall thereafter be ineligible to
succeed himself, providing for the
submission of same to the qualified
electors of the State of Texas as re-
quired by the Constitution, and pro-
viding for the necessary proclama-
tion, and making an appropriation to
defray the expenses for the publica-
tion of the Governor's proclamation,
and for the election.

S. J. R. No. 14, Proposing and sub-
mitting to the people of the State
of Texas an amendment to Section
10, of Article I, of the Constitution
of Texas, authorizing the Legislature
to enact a law providing for the pro-
secution of felonies by information as
well as by indictment, and to modify
the grand jury system.

S. J. R. No. 18, Proposing an
amendment to Section 21, Article IV,
of the Constitution of the State of
Texas, fixing the salary of the Sec-

retary of State; providing for its
submission to the voters of the State
of Texas as required by the Consti-
tution, and making an appropriation
therefor.

S. J. R. No. 19, Proposing amend-
ment to Section 5, of Article VII, of
the Constitution of the State of
Texas; providing for its submission
to the voters of the State of Texas
as required by the Constitution, and
making an appropriation therefor.

Respectfully,

BOB BARKER,
Secretary of the Senate.

(Speaker in the Chair.)

SENATE JOINT RESOLUTIONS ON
FIRST READING

The following Senate joint resolu-
tions, received from the Senate today,
were laid before the House, read sev-
erally first time, and referred to the
appropriate committee, as follows:

Senate Joint Resolution Nos. 4, 14,
18, and 19, to the Committee on Con-
stitutional Amendments.

RELATIVE TO CHARGES OF AS-
SAULT ON A MEMBER OF
THE HOUSE

Speaker Stevenson announced, that
in compliance with a resolution here-
tofore adopted, preferring certain
charges against Charles F. Roeser,
W. C. Stroube, and Bryan Payne, that
the parties against whom the charges
were preferred were now present, and
that the House would now proceed
with the hearing.

Each of the respondents, Charles F.
Roeser, W. C. Stroube, and Bryan
Payne, in person, waived the reading
of the charges, which are as follows:

Committee Room,

Austin, Texas, April 28, 1933.

To the Hon. Coke R. Stevenson, Speak-
er of the House of Representa-
tives of the Forty-third Legisla-
ture:

Sir: We, your committee appoint-
ed under and by virtue of House
Simple Resolution No. 149, beg leave
to make the following report:

That promptly upon the passage of
said resolution, we, your committee,
organized and proceeded immediat-
ly to perform the duties imposed on
us under said resolution, and have
caused many witnesses to be sum-

moned and examined before said committee in connection with the matters contained in said resolution. Having completed our labors, we beg leave to submit the following report, based upon the evidence adduced before us, and upon which we base the following findings, prepared in the form of charges:

I

That on or about midnight of April 24, 1933, Charles F. Roeser, Bryan Payne, and W. C. Stroube, acting together, did unlawfully and wilfully, in the lobby of the Stephen F. Austin Hotel, in the City of Austin, Travis County, Texas, make an assault upon the person of Hon. Gordon M. Burns, a Member of the House of Representatives of the Forty-third Legislature of the State of Texas, by hitting, striking, kicking, and cursing him, because of words spoken by said Member in debate on the floor of the House during the Regular Session of the Forty-third Legislature. That by reason of said assault said Gordon M. Burns was painfully injured, and for two days thereafter he was confined in a hospital in the City of Austin, and for the third day has been confined to his room in a local hotel, and has been unable to attend the sessions of the Legislature and to discharge his official duties as a Member of said Legislature since said assault.

II

That on the date above-mentioned the said Charles F. Roeser, Bryan Payne, and W. C. Stroube did curse and otherwise abuse the said Gordon M. Burns, and among other things, called him a "son of a bitch," because of words spoken in said debate on the floor of the House, and for opposing legislation then pending in the Forty-third Legislature of the State of Texas, which is now in session.

III

That by reason of privileged statements and arguments made in debate by the said Gordon M. Burns, on the floor of the House, and as a Member of same, the said C. F. Roeser, Bryan Payne, and W. C. Stroube did then and there and thereafter, without just cause, take exception thereto, and did assault said Burns in the lobby of the Austin Hotel as aforesaid, which assault was in violation of the Constitution of the State of Texas, grant-

ing immunity to the Members of the Legislature for words spoken in debate, and the said Roeser, Payne, and Stroube did, by said assault, obstruct the proceedings of said Legislature; and that said assault has caused, and does continue to cause, unwarranted obstruction of the proceedings of the Legislature.

IV

That at the time of the unlawful assault originally begun by said Charles F. Roeser, and while it was going on, and while the said Roeser was attacking Representative Burns, and was striking him with his fists, and was cursing said Gordon M. Burns, and calling him a "son of a bitch," the said Bryan Payne and the said W. C. Stroube, being then and there present, and knowing the unlawful intent of the said Charles F. Roeser to make an unlawful assault upon the person of Representative Gordon M. Burns, then and there aided, and abetted, and encouraged the said Charles F. Roeser to so assault the person of Representative Gordon M. Burns and to do him bodily injury by then and there cursing the said Gordon M. Burns, and calling him, among other things, a "son of a bitch," and by then and there shouting to the said Charles F. Roeser, in substance, "Kill the son of a bitch," and, in substance, "Let him (meaning Roeser) kill the son of a bitch" (meaning Representative Burns), and by then and there stating in substance, "The son of a bitch (meaning Representative Gordon M. Burns) is getting what is coming to him. He has been taking advantage of his privileges on the floor and abusing Charlie" (meaning Roeser).

That said language and said words of encouragement, then and there uttered by the said Bryan Payne and W. C. Stroube, were not only meant as encouragement to the said Charles F. Roeser to commit said assault upon the person of Representative Gordon M. Burns, but said words in themselves constituted an invasion of the privileges and immunities granted by the Constitution of this State to said Burns as a Member of the Legislature, and were meant and intended to be a punishment to him for words spoken in debate on the floor of the House, and for his activities in assisting and attempting to defeat the passage of House Bill No. 213, which had been pending before the House of Representatives of the Forty-third

Legislature, in its present Regular Session, and were calculated and intended to intimidate the said Representative Gordon M. Burns and other Members in the free discussion and debate of said measure if it should be returned to the House by the Senate for concurrence in amendments or otherwise, and to intimidate said Member or any other Member in the free and open discussion and debate of any other measure in which the said Charles F. Roeser, the said Bryan Payne, or the said W. C. Stroube might thereafter be interested.

That said words so spoken were in obstruction of the proceedings of the House in that, as heretofore set out, the said Representative Gordon M. Burns was prevented, by the conduct and acts of physical violence of said Charles F. Roeser and the said Bryan Payne and W. C. Stroube, above set out, from being present at sessions of the Legislature on the twenty-fifth, twenty-sixth, and twenty-seventh days of April, 1933, in the discharge of his official duties, and has been prevented from participating in the activities of the House.

V

All of which acts hereinbefore mentioned were in open contempt of the House of Representatives, and its right to transact legislative business for the people, free from molestation, and was for the purpose of intimidating a Member, or Members, of said House in the performance of his, or their, official duties, and was an obstruction of the proceedings of the House in that the said Gordon M. Burns, being a duly elected and qualified Member of the House of Representatives, and having been selected for that position by the qualified voters of his legislative district on account of his qualifications for such position, had a right to be present at all sessions of said House in the discharge of his official duties as a Member, but was prevented therefrom by the conduct and acts of physical violence of the said Charles F. Roeser, Bryan Payne, and W. C. Stroube, above set out. The absence of the said Gordon M. Burns, caused as aforesaid by the unlawful acts of the said Roeser, Payne, and Stroube, was an obstruction of the proceedings of the House of Representatives, business was delayed, and general dissatisfac-

tion, and a disturbed state of mind ensued among the Members of said House. That because of the obstruction of the proceedings of the House of Representatives, caused as aforesaid, a resolution was passed by said House, authorizing and directing this committee to investigate the matters herein complained of.

VI

That by virtue of each and all of the acts hereinbefore enumerated on behalf of the said Charles F. Roeser, Bryan Payne, and W. C. Stroube, the rights, privileges, and immunities guaranteed to the said Gordon M. Burns as a Member of the Legislature by Sections 15 and 21, of Article III, of the Constitution of this State, have been violated, and the proceedings of this House obstructed.

After making the above findings and charges against the said Charles F. Roeser, Bryan Payne, and W. C. Stroube, we, your committee, recommend that the said Charles F. Roeser, Bryan Payne, and W. C. Stroube be required to appear at the Bar of the House at once and show cause why they should not be adjudged in contempt of the House of Representatives for the acts hereinbefore complained of, all of which were an obstruction of the proceedings of the House of Representatives, and upon their failure to do so, they be committed to imprisonment in the county jail of Travis County, Texas, for a period of forty-eight hours, to purge themselves of said contempt, and that the Sergeant-at-Arms of this House be instructed and empowered to appoint and depute such number of assistant sergeants as may be deemed necessary to carry out these recommendations, if adopted by the House, and the orders and process issued in connection therewith.

Respectfully submitted,

GOODMAN, Chairman;
VAUGHAN,
VAN ZANDT,
CALVERT,
McCLAIN,
DANIEL,
CHASTAIN.

George Thompson, Jr., counsel for Charles Roeser, then read the following:

To the Honorable House of Representatives of the Forty-third Legislature of the State of Texas, now in session, and to the Hon. Coke Stevenson, Speaker of the House of Representatives:

Prior to being called upon to plead herein,

Comes now the respondent, Charles F. Roeser, in obedience to command of the Hon. Coke Stevenson, Speaker of this House, to appear before the House and show cause why he should not be adjudged in contempt of the House, along with Bryan Payne and W. C. Stroube, for the acts and things charged against them, as set forth in report of committee (appointed by virtue of House Simple Resolution No. 149), dated April 28, 1933, ordered filed by House Simple Resolution No. 155, adopted by the House of Representatives on April 28, 1933, and being first duly sworn, upon his oath deposes, says, and represents:

1. That in the report of the committee (appointed by House Simple Resolution No. 149), dated April 28, 1933, and ordered received and filed by House Simple Resolution No. 155, adopted by the House of Representatives on April 28, 1933, respondents, Charles F. Roeser, Bryan Payne, and W. C. Stroube are jointly charged, and it is proposed, by virtue of the adoption of House Simple Resolution No. 155, to jointly prosecute said Charles F. Roeser, Bryan Payne, and W. C. Stroube, for the acts, conduct, and things specifically charged in the aforesaid report of the committee, dated April 28, 1933, above-mentioned.

2. That the offense and/or offenses which, and for which Charles F. Roeser, Bryan Payne, and W. C. Stroube are jointly charged in the aforesaid report of the committee, dated April 28, 1933, grow out of the same transaction; and, Respondent Charles F. Roeser says that the evidence of Bryan Payne and W. C. Stroube, in this contempt proceeding, is material for the defense of Charles F. Roeser in this contempt proceeding, and that respondent, Charles F. Roeser, verily believes that there is not sufficient evidence against Bryan Payne and W. C. Stroube, whose evidence is desired by Respondent Charles F. Roeser, to secure their respective convictions upon any one, some, or all of the charges set forth in the report of said committee, dated April 28,

1933, above-mentioned, which charges of said committee have been adopted and lodged as charges against Charles F. Roeser, Bryan Payne, and W. C. Stroube, by House Simple Resolution No. 155, adopted by the House of Representatives on April 28, 1933.

3. Respondent, Charles F. Roeser, further says that this, his application for a severance, is not made for the purpose of operating, nor will same operate as a continuance in the matter of the respective prosecution charges of contempt, as to either Respondent Charles F. Roeser, Bryan Payne, or W. C. Stroube.

Wherefore, and by reason of the premises aforesaid, Respondent Charles F. Roeser prays that a severance be granted, and that W. C. Stroube be first tried in this contempt proceeding, and that Bryan Payne be next tried, in order that Respondent Charles F. Roeser may have the benefit of testimony of the said W. C. Stroube and Bryan Payne.

CHARLES F. ROESER.

Subscribed and sworn to by Charles F. Roeser, before me, the undersigned authority, on this first day of May, 1933.

LOUISE SNOW PHINNEY,
Notary Public in and for Travis
County, Texas. (Seal)

To the Honorable House of Representatives of the Forty-third Legislature of the State of Texas, now in session, and to the Hon. Coke Stevenson, Speaker of said House of Representatives:

Comes now respondent, Charles F. Roeser, in obedience to provisions of House Simple Resolution No. 155, adopted by the House of Representatives of the Forty-third Legislature, on April 28, 1933, instructing the Hon. Coke Stevenson, Speaker of the House of Representatives, to command and require Charles F. Roeser, Bryan Payne, and W. C. Stroube to appear before the House of Representatives and show cause why they should not be adjudged in contempt of the House of Representatives, for the acts and things charged against them, in report of committee of the House of Representatives (appointed by House Simple Resolution No. 149), dated April 28, 1933, adopted and lodged as charges against the said Charles F.

Roeser, Bryan Payne, and W. C. Stroube, by virtue of said House Simple Resolution No. 155, adopted by the House of Representatives on April 28, 1933, and without waiving, but insisting, upon W. C. Stroube to be tried first upon said charges, Bryan Payne second, and Respondent Charles F. Roeser third, in accordance with his application for severance previously filed by Respondent Charles F. Roeser, in this proceeding, first excepts to the substance of said contempt charges in the following respects, to wit:

I

Respondent Charles F. Roeser says that this Honorable House of Representatives ought not to take cognizance of the offenses and charges contained and set forth in the report of the committee, dated April 28, 1933, appointed by House Simple Resolution No. 149, and adopted and lodged as contempt charges against Charles F. Roeser, Bryan Payne, and W. C. Stroube, by virtue of House Simple Resolution No. 155, adopted by the House of Representatives on April 28, 1933, because, although Respondent Charles F. Roeser is not guilty of any of the aforesaid charges, nevertheless, Respondent Charles F. Roeser says that the Honorable House of Representatives, convened to try the contempt charges, aforesaid, has no jurisdiction to hear, try, and determine said contempt charges, and/or to affix any punishment therefor, because:

II

It appears upon the face of said contempt charges, as set forth in the report of the committee, dated April 28, 1933, appointed by virtue of House Simple Resolution No. 149, that the alleged assault upon the person of Representative Gordon M. Burns, a Member of the House of Representatives of the Forty-third Legislature of the State of Texas, occurred in the lobby of the Stephen F. Austin Hotel, in the City of Austin, Travis County, Texas, about midnight of April 24, 1933, and did not occur, and is not charged to have occurred, in the presence of the Honorable House of Representatives, nor when it was in session, and furthermore, said charges, and each of them, as contained in the report of said committee, disclose on their face neither disrespectful or disorderly conduct in the presence of the House of Representatives, nor ob-

struction of any of the proceedings of the House of Representatives, nor any other act constituting contempt, as contemplated in Section 15, of Article III, of the Constitution of the State of Texas, by reason of which facts Respondent Charles F. Roeser says that this Honorable House of Representatives is without jurisdiction to hear, try, and determine, and affix any punishment for the alleged acts, set forth in the report of the committee, aforesaid.

III

Respondent Charles F. Roeser says that Charge I, contained in the report of the aforesaid committee, dated April 28, 1933, and adopted by the House of Representatives, by House Simple Resolution No. 155, on April 28, 1933, fails to disclose or charge such facts as would constitute either disrespectful or disorderly conduct in the presence of, or an obstruction of the proceedings of the House of Representatives, as contemplated by Section fifteen (15), of Article III, of the Constitution of the State of Texas, by reason of which fact the House of Representatives of the Forty-third Legislature has no jurisdiction to hear, try, and determine said Contempt Charge I, and affix any punishment therefor.

IV

Respondent Charles F. Roeser says that Contempt Charge II, contained in the committee's report of April 28, 1933, wholly fails to charge any act or conduct constituting either disrespectful or disorderly conduct in the presence of, or an obstruction of any of the proceedings of the House of Representatives of the Forty-third Legislature, or any other violation of Section 15, of Article III, of the Constitution of the State of Texas, by reason of which fact the House of Representatives of the Forty-third Legislature has no jurisdiction to hear, try, and determine, and affix any punishment by reason of Contempt Charge II.

V

Respondent Charles F. Roeser says that Contempt Charge III, as set forth in the committee's report of April 28, 1933, attempts to predicate the charge of contempt upon an alleged violation of Section 21, of Article III, of the Constitution of the State of Texas,

which provides that "No Member shall be questioned in any other place for words spoken in debate of either House," as a result of an alleged assault occurring in the lobby of the Stephen F. Austin Hotel, at Austin, Texas, about midnight of April 24, 1933, when it is not alleged the House of Representatives was in session, and with respect to this Contempt Charge III, respondent says that the facts set forth in Contempt Charge III, and particularly the alleged violation of Section 21, of Article III, of the Constitution of Texas, do not constitute either disrespectful or disorderly conduct in the presence of the House of Representatives, or obstruction of any of its proceedings within the meaning and intent of Section 15, of Article III, of the Constitution of the State of Texas, by reason of which facts the House of Representatives of the Forty-third Legislature has no jurisdiction to hear, try, and determine Contempt Charge III, and affix any punishment against Respondent Charles F. Roeser for the alleged acts set forth therein.

VI

Respondent Charles F. Roeser says that the alleged acts, set forth in Contempt Charge IV, in the committee's report of April 28, 1933, undertake to set forth certain alleged unlawful acts and conduct on the part of Bryan Payne and W. C. Stroube, and with respect to the matters set forth in Contempt Charge IV, respondent Charles F. Roeser says that they neither present nor constitute a charge of any unlawful act or conduct on the part of respondent Charles F. Roeser in either the matter of disrespectful or disorderly conduct in the presence of the House of Representatives, or for obstructing any of its proceedings, by reason of which facts, Respondent Charles F. Roeser says that the House of Representatives of the Forty-third Legislature is without jurisdiction to hear, try, and determine Contempt Charge IV, as against Respondent Charles F. Roeser, and to affix any punishment therefor.

VII

Respondent Charles F. Roeser says that the matters and things set forth in Contempt Charge V, in the committee's report of April 28, 1933, do not constitute either disrespectful or disorderly conduct in the presence of

the House of Representatives, or an obstruction of any of its proceedings; but, on the contrary, clearly set forth and charge a fist fight and personal encounter between Charles F. Roeser and Representative Gordon M. Burns (and the other respondents, Bryan Payne and W. C. Stroube), in the lobby of the Stephen F. Austin Hotel, in the City of Austin, Texas, about midnight on April 24, 1933, by reason of which facts, Respondent Charles F. Roeser says the House of Representatives of the Forty-third Legislature is without jurisdiction to hear, try, and determine Contempt Charge V, as set forth in the committee's report of April 28, 1933, or to affix any punishment for the matters and things set forth therein.

VIII

Respondent Charles F. Roeser says that Contempt Charge VI, contained in the committee's report of April 28, 1933, neither charges Respondent Charles F. Roeser with disrespectful or disorderly conduct in the presence of the House of Representatives, or for obstructing any of its proceedings, or for any other violation of the language of Section 15, of Article III, of the Constitution of the State of Texas, by reason of which fact Respondent Charles F. Roeser says the House of Representatives of the Forty-third Legislature is without jurisdiction to hear, try, and determine said Contempt Charge VI.

Wherefore, Respondent Charles F. Roeser states he is ready to verify the foregoing, and he prays that each of the foregoing exceptions be sustained, and that each of the respective Charges I to VI, of the committee's report of April 28, 1933, adopted and lodged against Respondent Charles F. Roeser, by virtue of House Simple Resolution No. 155, adopted by the House of Representatives of the Forty-third Legislature of the State of Texas, on April 28, 1933, be stricken and held for naught.

CHARLES F. ROESER.

Sworn to and subscribed before me, by Charles F. Roeser, respondent in this proceeding, on this first day of May, 1933.

LOUISE SNOW PHINNEY,
Notary Public in and for Tarrant
County, Texas.

Comes now Charles F. Roeser, and without waiving but still insisting upon his right of severance, and the foregoing exceptions hereinbefore set out, makes, presents, and files this, his following plea to Charges I to VI, both inclusive, as set forth in report dated April 28, 1933, by committee of the House of Representatives of the Forty-third Legislature of the State of Texas (appointed by virtue of House Simple Resolution No. 149) which said Charges I to VI, both inclusive, have been adopted and lodged against Respondent Charles F. Roeser (along with Bryan Payne and W. C. Stroube), by virtue of House Simple Resolution No. 155, adopted by the House of Representatives of the Forty-third Legislature of the State of Texas, on April 28, 1933, to wit:

(a) Respondent Charles F. Roeser pleads "not guilty" to each, all, and every of said Charges I to VI, both inclusive, aforesaid; and Respondent Charles F. Roeser specifically denies that there was any acting together by him with Bryan Payne and W. C. Stroube, in respondent's personal difficulty with Representative Gordon M. Burns, and further specifically denies that respondent's personal difficulty with the said Gordon M. Burns was the result of any statements made by Burns in debate, or otherwise, in the House of Representatives.

(b) For further answer, Charles F. Roeser says that the difficulty between Respondent Charles F. Roeser and Representative Gordon M. Burns, on or about midnight April 24, 1933, in the lobby of the Stephen F. Austin Hotel, was wholly a personal encounter between the said Representative Gordon M. Burns, approximately aged 28, and Respondent Charles F. Roeser, age 46, both of whom were about the same size and weight, and that the occasion for said encounter grew out of, and was the result of, derogatory and unsubstantiated remarks made by Representative Gordon M. Burns, in the lobby of the Stephen F. Austin Hotel, some days previous, and at times when the House of Representatives of the Forty-third Legislature of the State of Texas was not in session, but was adjourned; and, on the night in question when Respondent Charles F. Roeser, in the lobby of the Stephen F. Austin Hotel, at Austin Texas, told Representative Gordon M. Burns

that he did not like the statements that Burns had been making about him (Roeser), as above referred to, and that they were not true, the said Gordon M. Burns, at said time and place, told Respondent Roeser that he was a "God-damned liar," which words, action, and conduct on the part of Representative Gordon M. Burns were derogatory and constituted a personal insult and affront to Charles F. Roeser, and it was this that directly and solely provoked the difficulty between Representative Gordon M. Burns and Respondent Charles F. Roeser as aforesaid, in the lobby of the Stephen F. Austin Hotel, on or about April 24, 1933, at a time when Respondent Charles F. Roeser avers and here charges that the House of Representatives of the Forty-third Legislature of the State of Texas was either in adjournment or recess, having so adjourned or recessed some five or six hours previously thereto.

(c) For further and special answer, Respondent Charles F. Roeser avers and says that the personal difficulty which he had with Representative Gordon M. Burns, on or about midnight of April 24, 1933, in the lobby of the Stephen F. Austin Hotel, in the City of Austin, Texas, which respondent avers occurred some five or six hours after the House of Representatives had either recessed or adjourned, and while said House of Representatives was not in session, happened upon the spur of the moment, was not premeditated or designed on the part of Respondent Charles F. Roeser, and it occurred without any thought or intention of his part of obstructing the proceedings of the House of Representatives of the Forty-third Legislature, or violating any of the privileges or immunities granted to Members of the House of Representatives under the Constitution and laws of the State of Texas.

(d) For further answer, Respondent Charles F. Roeser avers and says that in the personal encounter between him and Representative Gordon M. Burns, on or about midnight of April 24, 1933, in the lobby of the Stephen F. Austin Hotel, at Austin, Texas, at a time when the House of Representatives of the Forty-third Legislature of the State of Texas was either in recess or adjournment, and had been in recess or adjournment for approximately five or six hours previous thereto, the said Representative Gor-

don M. Burns endeavored to maim and disfigure the said Charles F. Roeser, by putting his thumb in Roeser's left eye, and endeavoring to gouge same out and destroy his sight and render him blind, and endeavored to get out his knife for the purpose of cutting and maiming the said Respondent Roeser, which, if accomplished, would have been in violation of Articles 1166 and 1167, of the Penal Code of the State of Texas, by reason of which facts, and as against said acts, Respondent Charles F. Roeser avers he was entitled to defend himself.

Wherefore, Respondent Charles F. Roeser respectfully prays that he be adjudged "not guilty" of each, all, and every of the said Charges I to VI, both inclusive, as set forth in the report of the committee of the House of Representatives, dated April 28, 1933 (appointed by House Simple Resolution No. 149) adopted and lodged as contempt charges against respondent, by virtue of House Simple Resolution No. 155, adopted by the House of Representatives of the Forty-third Legislature of the State of Texas, on April 28, 1933.

ROBERT K. HANGER,
GEORGE THOMPSON, JR.,
Attorneys for respondent, Charles F. Roeser.

Richard Mays, counsel for W. C. Stroube, stated to the House that W. C. Stroube plead not guilty to the above charges, and would, at a later date, file written pleadings, including a plea for severance.

Richard Mays, counsel for W. C. Stroube, in the absence of the attorney of Bryan Payne, stated that Bryan Payne plead not guilty, and would, at a later date, file written pleadings.

HOUSE BILL ON FIRST READING

Mr. Pope moved to introduce at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—105

Adamson.	Barrett.
Aikin.	Bedford.
Alexander.	Bourne.
Alsup.	Burns.
Anderson	Canon.
of Johnson.	Cathey.
Baker.	Celaya.

Chastain.	Mackay.
Clayton.	Magee.
Coombes.	Mathis.
Cowley.	McClain.
Crossley.	McCullough.
Dean.	McDougald.
Devall.	McKee.
Dunlap.	Merritt.
Dwyer.	Metcalfe.
Engelhard.	Mitcham.
Fain.	Moffett.
Few.	Moore.
Fisher.	Morrison.
Ford.	Nicholson.
Fuchs.	Palmer.
Glass.	Parkhouse.
Golson.	Pope.
Good.	Puryear.
Goodman.	Ramsey.
Graves.	Ratliff.
Greathouse.	Ray.
Griffith.	Reed of Bowie.
Haag.	Riddle.
Hankamer.	Rogers of Hunt.
Harris.	Rogers of Ochiltree.
Hartzog.	Rollins.
Head.	Ross.
Hester.	Russell.
Hicks.	Scarborough.
Hill of Brazoria.	Scott.
Hill of Webb.	Shannon.
Holekamp.	Shults.
Hoskins.	Stanfield.
Huddleston.	Steward.
Hughes.	Stinson.
Hunt.	Sullivant.
Hyder.	Tarwater.
Jefferson.	Tennyson.
Johnson	Thomas.
of Anderson.	Townsend.
Jones of Shelby.	Turlington.
Kayton.	Van Zandt.
Kyle of Palo Pinto.	Walker.
Latham.	Weinert.
Lemens.	Wood.
Lindsey.	Young.
Lotief.	

Nays—3

Kyle of Hays.	Wagstaff.
Vaughan.	

Absent

Anderson of Bexar.	Holloway.
Beck.	Jackson.
Bradley.	James.
Butler.	Jones of Atascosa.
Camp.	Laird.
Caven.	Long.
Colson.	McGregor.
Daniel.	Morse.
Davidson.	Munson.
Dunagan.	Patterson.
Duvall.	Pavlica.
Harman.	Reader.
Harrison.	Roberts.
Hodges.	Savage.
Holland.	Smith.

Stovall.
Tillery.

Wells.
Winningham.

Absent—Excused

Barron. Jones of Runnels.
Calvert. Leonard.
Johnson Reed of Dallas.
of Dimmit. Renfro.

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Pope and Mr. Greathouse:

H. B. No. 914, A bill to be entitled "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power of sale of real property for debt now advertised to be made on May 2, 1933, or which was advertised for sale on March 7, 1933, or April 4, 1933, but which sale was stayed and postponed by virtue of Acts of the Forty-third Legislature, until the first Tuesday in June, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on March 7, 1933, or April 4, 1933, or May 2, 1933, shall be required for such sale on the first Tuesday in June, 1933, and declaring an emergency."

Referred to Committee on Judiciary.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 873, "An Act to amend Article 1667, Revised Statutes of 1925, as amended by House Bill No. 59, passed by the Forty-second Legislature at its Second Called Session, approved October 6, 1931, and providing that in counties containing a population of not less than 75,000, and not more than 80,000, as shown by the last preceding Federal Census, and which contain navigation districts, water improvement districts, and water control and improvement districts, the county auditor shall audit books, accounts, records, bills, and warrants of such districts, and other districts created for improvement and conservation purposes which are not administered by the commissioners court of such counties; and declaring an emergency."

BILL ORDERED NOT PRINTED

On motion of Mr. Pope, by unanimous consent of the House, House Bill No. 914 was ordered not printed.

HOUSE BILL NO. 914 ON SECOND READING

On motion of Mr. Pope, the Twenty-four-hour Rule, relative to printed bills, was suspended, to take up, for consideration at this time, House Bill No. 914.

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and House Bill No. 914 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Adamson.
Aikin.
Alexander.
Alsup.
Anderson
of Bexar.
Anderson
of Johnson.
Baker.
Barrett.
Beck.
Bourne.
Bradley.
Burns.
Camp.
Canon.
Celaya.
Chastain.
Clayton.
Colson.
Coombes.
Cowley.
Daniel.
Davidson.
Dean.
Devall.
Dunlap.
Dwyer.
Engelhard.
Fain.
Few.
Fisher.
Ford.
Fuchs.
Glass.
Golson.
Good.
Goodman.
Griffith.
Haag.

Hankamer.
Harris.
Hartzog.
Hester.
Hicks.
Hill of Brazoria.
Hill of Webb.
Hodges.
Holekamp.
Holland.
Hoskins.
Huddleston.
Hughes.
Hunt.
Hyder.
Jackson.
James.
Johnson
of Anderson.
Jones of Atascosa.
Jones of Shelby.
Kayton.
Kyle of Palo Pinto.
Laird.
Latham.
Lemens.
Lindsey.
Long.
Lotief.
Magee.
Mackay.
McClain.
McCullough.
Merritt.
Mitcham.
Moore.
Morse.
Pavlica.
Pope.
Puryear.
Ramsey.

Ratliff.	Stinson.
Reed of Bowie.	Stovall.
Riddle.	Sullivant.
Roberts.	Tarwater.
Rogers of Hunt.	Tennyson.
Rogers	Thomas.
of Ochiltree.	Tillery.
Rollins.	Townsend.
Russell.	Turlington.
Scott.	Van Zandt.
Shannon.	Walker.
Shults.	Winningham.
Smith.	Wood.
Stanfield.	Young.
Steward.	

Nays—7

Bedford.	Kyle of Hays.
Caven.	Vaughan.
Crossley.	Wagstaff.
Head.	

Absent

Butler.	Moffett.
Cathey.	Morrison.
Dunagan.	Munson.
Duvall.	Nicholson.
Graves.	Palmer.
Harman.	Parkhouse.
Harrison.	Patterson.
Holloway.	Ray.
Jefferson.	Reader.
Mathis.	Ross.
McDougald.	Savage.
McGregor.	Scarborough.
McKee.	Weinert.
Metcalf.	Wells.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

On motion of Mr. Scarborough, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 914, A bill to be entitled "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power of sale of real property for debt now advertised to be made on May 2, 1933, or which was advertised for sale on March 7, 1933, or April 4, 1933, but which sale was stayed and postponed by virtue of Acts of the Forty-third Legislature, until the first Tuesday in June, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on

March 7, 1933, or April 4, 1933, or May 2, 1933, shall be required for such sale on the first Tuesday in June, 1933, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Pope offered the following committee amendment to the bill:

Amend House Bill No. 914 by inserting the following at the end of Section 1: "Provided, that the lien sought to be foreclosed was not procured or obtained for the purpose of securing, in part or whole, any indebtedness for money or property procured by misrepresentation, fraud, defalcation, or embezzlement."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 914 was then passed to engrossment.

HOUSE BILL NO. 914 ON THIRD READING

The Speaker then laid House Bill No. 914 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adamson.	Devall.
Aikin.	Dunlap.
Alexander.	Dwyer.
Alsup.	Engelhard.
Anderson	Fain.
of Bexar.	Few.
Anderson	Fuchs.
of Johnson.	Glass.
Baker.	Golson.
Barrett.	Good.
Beck.	Graves.
Bourne.	Greathouse.
Bradley.	Griffith.
Burns.	Haag.
Camp.	Hankamer.
Canon.	Harris.
Celaya.	Harrison.
Chastain.	Hartzog.
Clayton.	Hester.
Coombes.	Hicks.
Cowley.	Hill of Brazoria.
Crossley.	Hill of Webb.
Daniel.	Hodges.
Davidson.	Holekamp.
Dean.	Holland.

Hoskins.	Ratliff.
Huddleston.	Reed of Bowie.
Hunt.	Riddle.
Hyder.	Roberts.
James.	Rogers of Hunt.
Johnson	Rogers
of Anderson.	of Ochiltree.
Jones of Atascosa.	Rollins.
Jones of Shelby.	Ross.
Kayton.	Russell.
Kyle of Palo Pinto.	Scarborough.
Laird.	Scott.
Latham.	Shannon.
Lemens.	Shults.
Lindsey.	Smith.
Lotief.	Stanfield.
Mackay.	Steward.
Magee.	Stinson.
Mathis.	Stovall.
McCullough.	Sullivant.
McDougald.	Tarwater.
McKee.	Tennyson.
Merritt.	Thomas.
Metcalfe.	Townsend.
Mitcham.	Turlington.
Palmer.	Van Zandt.
Pavlica.	Walker.
Pope.	Winningham.
Puryear.	Wood.
Ramsey.	Young.

Nays—9

Bedford.	Kyle of Hays.
Caven.	Morse.
Ford.	Vaughan.
Head.	Wagstaff.
Hughes.	

Absent

Butler.	Moffett.
Cathey.	Moore.
Colson.	Morrison.
Dunagan.	Munson.
Duvall.	Nicholson.
Fisher.	Parkhouse.
Goodman.	Patterson.
Harman.	Ray.
Holloway.	Reader.
Jackson.	Savage.
Jefferson.	Tillery.
Long.	Weinert.
McClain.	Wells.
McGregor.	

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

RECESS

On motion of Mr. Goodman, the House, at 12:20 o'clock p. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 779 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 779, A bill to be entitled "An Act to provide for the repurchase of land set apart to build the Capitol that has been recovered by the State and appropriated to the Public Free School Fund, and heretofore purchased from the State and forfeited, or that should be forfeited for non-payment of interest accrued prior to November 1, 1932, the owner of such land or part thereof at the date of forfeiture shall have a preference right for a period of ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by the Act of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25; and declaring an emergency";

The bill having heretofore been read second time.

Mr. Rogers of Ochiltree offered the following amendment to the bill:

Amend House Bill No. 779, line 23, by inserting after the word "forfeited" the following: "or may hereafter be forfeited."

(Mr. Alexander in the Chair.)

Mr. Vaughan raised a point of order on further consideration of the bill, on the ground that it violates Section 55, of Article III, of the Constitution of the State of Texas.

The Speaker overruled the point of order.

Question recurring on the amendment by Mr. Rogers of Ochiltree, it was lost.

Mrs. Hughes offered the following amendment to the bill:

Amend House Bill No. 779, Section 1, by adding at the end thereof the following:

"Provided further, that no person, whose taxes and interest are delinquent on said land prior to November 1, 1929, shall be entitled to take ad-

vantage of the provisions of this Act, until he has paid such interest and taxes."

HUGHES,
HOSKINS.

Mr. Coombes raised the following point of order:

"I raise the point of order that House Bill No. 779 violates Section 36, of Article III, of the Constitution of Texas."

The Speaker overruled the point of order.

Mr. Sullivan moved the previous question on the pending amendment, amendments on the Speaker's desk, and the bill, and the main question was ordered.

Question recurring on the amendment by Mrs. Hughes, it was adopted.

Mrs. Hughes offered the following amendment to the bill:

Amend House Bill No. 779, Section 1, by adding at the end thereof the following:

"Provided, that in addition to the reappraisal value of said land, the purchase price of said land shall include all unpaid interest to the date this Act becomes effective."

HUGHES,
HOSKINS.

The amendment was adopted.

Mrs. Hughes offered the following amendment to the bill:

Amend House Bill No. 779, Section 1, by adding at the end thereof the following:

"Provided further, that any resale of said land shall be with the same reservation of minerals as the original sale."

HUGHES,
HOSKINS.

The amendment was adopted.

Mrs. Hughes offered the following amendment to the bill:

Amend House Bill No. 779, Section 1, by adding, at the end thereof, the following: "Provided, that settlement on said land shall be a condition for coming within the provisions of this bill."

HUGHES,
HOSKINS.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 779 was then passed to engrossment by the following vote:

Yeas—79

Aikin.	McClain.
Baker.	McCullough.
Bourne.	McDougald.
Butler.	McGregor.
Cathey.	McKee.
Chastain.	Merritt.
Clayton.	Metcalf.
Colson.	Mitcham.
Crossley.	Moffett.
Davidson.	Moore.
Dean.	Morse.
Duvall.	Munson.
Engelhard.	Pavlica.
Fain.	Pope.
Ford.	Purveyer.
Fuchs.	Ratliff.
Glass.	Ray.
Golson.	Reed of Bowie.
Greathouse.	Riddle.
Haag.	Roberts.
Hankamer.	Rogers
Harris.	of Ochiltree.
Hicks.	Rollins.
Hill of Brazoria.	Ross.
Hill of Webb.	Scarborough.
Holekamp.	Scott.
Hoskins.	Shannon.
Huddleston.	Shults.
Jackson.	Smith.
Jones of Runnels.	Stanfield.
Jones of Shelby.	Steward.
Kyle of Hays.	Sullivan.
Kyle of Palo Pinto.	Tarwater.
Latham.	Thomas.
Leonard.	Townsend.
Lindsey.	Van Zandt.
Long.	Wagstaff.
Lotief.	Walker.
Mackay.	Weinert.
Mathis.	Young.

Nays—38

Adamson.	Griffith.
Alsup.	Hartzog.
Anderson	Head.
of Johnson.	Hester.
Barrett.	Hodges.
Beck.	Hughes.
Canon.	Hunt.
Caven.	James.
Coombes.	Johnson
Devall.	of Anderson.
Few.	Kayton.
Fisher.	Lemens.
Good.	Magee.
Goodman.	Nicholson.
Graves.	Parkhouse.

Rogers of Hunt.	Turlington.
Russell.	Vaughan.
Stinson.	Wells.
Stovall.	Winningham.
Tennyson.	Wood.

Absent

Alexander.	Harrison.
Anderson	Holland.
of Bexar.	Holloway.
Bedford.	Hyder.
Bradley.	Jefferson.
Burns.	Jones of Atascosa.
Camp.	Laird.
Celaya.	Morrison.
Cowley.	Palmer.
Daniel.	Patterson.
Dunlap.	Ramsey.
Dunagan.	Reader.
Dwyer.	Savage.
Harman.	Tillery.

Absent—Excused

Barron.	Reed of Dallas.
Calvert.	Renfro.
Johnson of Dimmit.	

MOTION TO TAKE UP HOUSE
BILL NO. 779

Mr. Rogers of Ochiltree moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 779 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—88

Aikin.	Griffith.
Alsup.	Haag.
Baker.	Hankamer.
Bourne.	Harris.
Butler.	Harrison.
Camp.	Hester.
Cathey.	Hill of Brazoria.
Chastain.	Hill of Webb.
Clayton.	Holekamp.
Colson.	Holland.
Coombes.	Hoskins.
Crossley.	Huddleston.
Davidson.	Jackson.
Dean.	Johnson
Devall.	of Anderson.
Duvall.	Jones of Shelby.
Engelhard.	Kyle of Palo Pinto.
Fain.	Laird.
Few.	Latham.
Fisher.	Lindsey.
Ford.	Long.
Fuchs.	Lotief.
Golson.	Mackay.
Greathouse.	McClain.

McCullough.	Rogers
McDougald.	of Ochiltree.
McGregor.	Rollins.
McKee.	Ross.
Merritt.	Savage.
Metcalfe.	Scarborough.
Mitcham.	Scott.
Moffett.	Shannon.
Moore.	Shults.
Morse.	Smith.
Munson.	Stanfield.
Nicholson.	Steward.
Patterson.	Tarwater.
Pavlica.	Tennyson.
Pope.	Thomas.
Purveyer.	Townsend.
Ratliff.	Van Zandt.
Ray.	Wagstaff.
Reed of Bowie.	Walker.
Riddle.	Weinert.
Roberts.	Young.

Nays—30

Adamson.	James.
Anderson	Kayton.
of Johnson.	Kyle of Hays.
Barrett.	Lemens.
Beck.	Magee.
Canon.	Parkhouse.
Caven.	Rogers of Hunt.
Glass.	Russell.
Good.	Stinson.
Goodman.	Stovall.
Graves.	Sullivant.
Harman.	Turlington.
Hicks.	Vaughan.
Hodges.	Winningham.
Hughes.	Wood.
Hunt.	

Absent

Alexander.	Head.
Anderson	Holloway.
of Bexar.	Hyder.
Bedford.	Jefferson.
Bradley.	Jones of Atascosa.
Burns.	Mathis.
Celaya.	Morrison.
Cowley.	Palmer.
Daniel.	Ramsey.
Dunlap.	Reader.
Dunagan.	Tillery.
Dwyer.	Wells.
Hartzog.	

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Leonard.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

MOTION TO TAKE UP HOUSE
BILL NO. 472

Mr. Kayton moved that the regular order of business be suspended, to

take up, and have placed on its second reading and passage to engrossment,

H. B. No. 472, A bill to be entitled "An Act to levy an occupation tax on retail sales; defining 'retail sales'; providing for the registration of retailers and the payment of taxes on retail sales; providing for the collection, impounding, and distribution of all such funds; providing for the filing of a return with the Tax Commissioner, subject to certain rules, conditions, and penalties; and declaring an emergency."

The motion was lost by the following vote:

Yeas—51

Baker.	Mackay.
Butler.	Mathis.
Chastain.	McClain.
Clayton.	McCullough.
Colson.	McDougald.
Davidson.	McGregor.
Duvall.	Moore.
Dwyer.	Morse.
Engelhard.	Nicholson.
Ford.	Parkhouse.
Good.	Pope.
Griffith.	Ratliff.
Haag.	Ray.
Hankamer.	Roberts.
Harman.	Rollins.
Hill of Brazoria.	Ross.
Hill of Webb.	Scarborough.
Holekamp.	Smith.
Holland.	Sullivant.
Huddleston.	Tillery.
Jones of Shelby.	Townsend.
Kayton.	Turlington.
Laird.	Walker.
Lemens.	Weinert.
Leonard.	Young.
Long.	

Nays—72

Adamson.	Few.
Aikin.	Fisher.
Alexander.	Fuchs.
Alsup.	Glass.
Anderson	Golson.
of Johnson.	Goodman.
Barrett.	Graves.
Beck.	Greathouse.
Bedford.	Harris.
Bourne.	Hartzog.
Camp.	Hester.
Canon.	Hicks.
Cathey.	Hoskins.
Caven.	Hughes.
Coombes.	Hunt.
Cowley.	Jackson.
Crossley.	James.
Dean.	Johnson
Devall.	of Anderson.
Fain.	Kyle of Hays.

Kyle of Palo Pinto.	Savage.
Latham.	Scott.
Lindsey.	Shannon.
Lotief.	Shults.
Magee.	Stanfield.
McKee.	Steward.
Merritt.	Stinson.
Metcalfe.	Stovall.
Mitcham.	Tarwater.
Moffett.	Tennyson.
Munson.	Thomas.
Pavlica.	Van Zandt.
Puryear.	Vaughan.
Reed of Bowie.	Wagstaff.
Rogers of Hunt.	Wells.
Rogers	Winningham.
of Ochiltree.	Wood.
Russell.	

Present—Not Voting

Riddle.

Absent

Anderson	Hodges.
of Bexar.	Holloway.
Bradley.	Hyder.
Burns.	Jefferson.
Celaya.	Jones of Atascosa.
Daniel.	Morrison.
Dunlap.	Palmer.
Dunagan.	Patterson.
Harrison.	Ramsey.
Head.	Reader.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Reed of Dallas.
Johnson	Renfro.
of Dimmit.	

HOUSE BILL NO. 844 ON SECOND READING

On motion of Mr. Walker, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 844, A bill to be entitled "An Act prohibiting certain practices in the production of oil and gas within this State; defining the term 'person,' 'governmental agent,' 'governmental agency,' and 'oil property'; providing for the accurate measurement and accurate recording daily by all producers of oil and gas of the amount of daily production before relinquishing possession or control thereof by the producer; etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 844 by striking out the following words: "concurrent," in line 20, page 6; and "upon the courts of Travis County, Texas, and," in line 21, page 6.

The amendment was adopted.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 844 by adding a new Section, to be known as Section 7-a, as follows:

"Section 7-a. It shall be unlawful for any person, as defined in this Act, owning, leasing, operating, producing, or controlling any oil property or oil well within this State, to produce or cause to be produced on any day from any such oil property or oil well any oil in excess of the amount allowed to be produced per day from any such oil property or oil well under any order or orders of the governmental agency theretofore promulgated and in force at the time."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 844 was then passed to engrossment.

HOUSE BILL NO. 844 ON THIRD READING

Mr. Walker moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 844 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson.	Clayton.
Aikin.	Coombes.
Alsup.	Cowley.
Anderson	Crossley.
of Johnson.	Davidson.
Baker.	Dean.
Barrett.	Devall.
Bedford.	Duvall.
Bourne.	Engelhard.
Bradley.	Fain.
Butler.	Few.
Camp.	Fisher.
Canon.	Ford.
Cathey.	Fuchs.
Caven.	Glass.
Chastain.	Golson.

Good.	McKee.
Goodman.	Merritt.
Graves.	Metcalfe.
Griffith.	Moffett.
Haag.	Morrison.
Hankamer.	Morse.
Harman.	Munson.
Harris.	Nicholson.
Harrison.	Pavlica.
Hartzog.	Ratliff.
Hester.	Ray.
Hicks.	Reed of Bowie.
Hill of Brazoria.	Riddle.
Hill of Webb.	Roberts.
Holekamp.	Rogers of Hunt.
Holland.	Rogers
Hoskins.	of Ochiltree.
Huddleston.	Rollins.
Hughes.	Ross.
Hunt.	Russell.
Jackson.	Savage.
James.	Scarborough.
Johnson	Scott.
of Anderson.	Shannon.
Jones of Atascosa.	Smith.
Jones of Shelby.	Steward.
Kayton.	Stovall.
Kyle of Hays.	Sullivan.
Kyle of Palo Pinto.	Tarwater.
Laird.	Tennyson.
Latham.	Thomas.
Lemens.	Townsend.
Leonard.	Turlington.
Long.	Van Zandt.
Lotief.	Vaughan.
Magee.	Wagstaff.
Mackay.	Walker.
Mathis.	Wells.
McClain.	Winningham.
McCullough.	Wood.
McDougald.	Young.

Present—Not Voting

Lindsey.	Puryear.
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Absent

Alexander.	Jefferson.
Anderson	McGregor.
of Bexar.	Mitcham.
Beck.	Moore.
Burns.	Palmer.
Celaya.	Parkhouse.
Colson.	Patterson.
Daniel.	Pope.
Dunlap.	Ramsey.
Dunagan.	Reader.
Dwyer.	Shults.
Greathouse.	Stanfield.
Head.	Stinson.
Hodges.	Tillery.
Holloway.	Weinert.
Hyder.	

Absent—Excused

Barron.	Johnson
Calvert.	of Dimmit.

Jones of Runnels. Renfro.
Reed of Dallas.

The Speaker then laid House Bill No. 844 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—114

Adamson.	Jones of Atascosa.
Aikin.	Jones of Shelby.
Alsup.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Johnson.	Laird.
Baker.	Latham.
Barrett.	Lemens.
Beck.	Leonard.
Bedford.	Long.
Bourne.	Lotief.
Bradley.	Mackay.
Butler.	Magee.
Camp.	Mathis.
Canon.	McClain.
Cathey.	McCullough.
Caven.	McDougald.
Chastain.	McKee.
Clayton.	Merritt.
Colson.	Metcalfe.
Coombes.	Moffett.
Cowley.	Morrison.
Crossley.	Morse.
Davidson.	Munson.
Dean.	Nicholson.
Devall.	Parkhouse.
Duvall.	Pavlica.
Engelhard.	Ratliff.
Fain.	Ray.
Few.	Reed of Bowie.
Fisher.	Riddle.
Ford.	Roberts.
Fuchs.	Rogers of Hunt.
Glass.	Rollins.
Golson.	Ross.
Good.	Russell.
Goodman.	Savage.
Griffith.	Scarborough.
Haag.	Scott.
Hankamer.	Shannon.
Harman.	Shults.
Harris.	Smith.
Harrison.	Steward.
Hartzog.	Stinson.
Hicks.	Stovall.
Hill of Brazoria.	Sullivant.
Hill of Webb.	Tarwater.
Holekamp.	Tennyson.
Holland.	Thomas.
Hoskins.	Tillery.
Huddleston.	Townsend.
Hughes.	Turlington.
Hunt.	Van Zandt.
Jackson.	Vaughan.
James.	Wagstaff.
Johnson	Walker.
of Anderson.	Weinert.

Wells. Wood.
Winningham. Young.

Nays—1

Lindsey.

Present—Not Voting

Graves.

Purveyar.

Absent

Alexander.	Hyder.
Anderson	Jefferson.
of Bexar.	Kayton.
Burns.	McGregor.
Celaya.	Mitcham.
Daniel.	Moore.
Dunlap.	Palmer.
Dunagan.	Patterson.
Dwyer.	Pope.
Greathouse.	Ramsey.
Head.	Reader.
Hester.	Rogers
Hodges.	of Ochiltree.
Holloway.	Stanfield.

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Reed of Dallas.
Johnson	Renfro.
of Dimmit.	

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

Executive Office,
Austin, Texas, May 1, 1933.

To the Forty-third Legislature:

The proration laws of Texas were passed for the primary purpose of controlling the production of petroleum in Texas, so that its waste might be prevented. To make sure that waste might not occur, the law was amended giving the Railroad Commission the power to consider the market demand for oil in order that economic waste might not occur. The enforcement of the proration laws, passed for the conservation of one of our most important natural resources, appears for the moment, at least, to have failed of its purpose, and a very desperate situation has resulted.

The Honorable Railroad Commission, for reasons best known to itself, has unexpectedly, and without warning, issued an order permitting seven hundred and fifty thousand (750,000) barrels of oil to be produced daily in the East Texas field. This runs the

total State allowable permitted to be produced to one million, three hundred and eighteen thousand (1,318,000) barrels. The nominations offered to purchase oil, according to the best information, amount to nine hundred and forty-three thousand (943,000) barrels. This would indicate an excess production of four hundred and seventy-four thousand (474,000) barrels, and would represent a permitted production of three hundred and fifty thousand (350,000) barrels more than the last order of the Railroad Commission. This action has caused the price of oil to fall from 50 cents posted price down to 10 cents a barrel, and, as a result, financial disaster has overtaken the owners of leases and royalty in the East Texas field.

I want to emphasize, and have everybody to not forget, that the increased allowable suddenly precipitated by the Railroad Commission, preceded the drop in the price of oil, and, therefore, such order was the cause of 10-cent oil today. If it be urged that the Railroad Commission has acted ill-advisedly, or from a want of information, then I submit that the fact remains that it was one of the most ill-advised official actions that has taken place in Texas in many years.

In the face of the fact that the Federal authorities have advised that Texas should not be allowed to produce over eight hundred and sixty thousand (860,000) barrels a day, and that, therefore, as a result of the Commission's order, there is an excess of over five hundred and fifty-eight thousand (558,000) barrels, in the minds of the Federal authorities, shows that the eyes of the Nation are upon us, and if something is not done, and done promptly, we can expect the introduction of Federal authority to control our oil fields in Texas.

It appears that some people, with a show of temper, are opposed to my being allowed to appoint a separate commission to take over the authority of the present Commission, which has produced 10-cent oil. Let me answer this statement by saying that I am not seeking the power to appoint this commission, if the Legislature sees fit to create it, but that at the same time I am not shirking responsibility or action that is now imperative to meet a desperate situation.

If there be those who want to divide the power to appoint the commission,

I then invite them to add to the power of appointment of the commission the Honorable Speaker of the House of Representatives and the Honorable Lieutenant-Governor of the State, giving them the majority in the selection of the commission. In fact, I will be pleased to have these two worthy public servants to share with me the great responsibility of appointing this important commission to compose this situation.

I am taking the liberty to transmit this message only in view of the fact that the charge is being made in many quarters that I was seeking to dominate the situation by having the power of majority appointment.

But I do want to emphasize that the present situation, produced by the unexpected seven hundred and fifty thousand (750,000) barrel order by the Railroad Commission, has produced a grave situation, which, I trust, the Legislature will deal with promptly.

I call upon the Honorable Railroad Commission to reduce the seven hundred and fifty thousand (750,000) barrel allowable order, and I demand that the oil companies restore the price of oil.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

HOUSE BILL NO. 256 ON PAS- SAGE TO ENGROSSMENT

Mr. Harman moved to take up, for consideration at this time, House Bill No. 256, which bill had heretofore been laid on the table subject to call, and due notice having been given that same would be called up today.

The motion prevailed.

The Speaker then laid before the House, on its passage to engrossment,

H. B. No. 256, A bill to be entitled "An Act appropriating four million dollars (\$4,000,000) per year, or so much thereof as may be necessary, for the next two fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations, etc.";

The bill having heretofore been read second time.

Mr. Harman offered the following committee amendments to the bill:

(1)

Amend Section 15 by striking out the figures "\$50," and insert in lieu thereof "\$100."

(2)

Amend Section 19 by adding thereto the following: "Provided, the State Department of Education may grant aid to schools in sparsely settled districts without regard to the number or scholastics or the duration of the term of such school."

(3)

Amend Section 12 by striking out the words "county-wide," in Section 12.

(4)

Amend Section 5 by adding the following at the end of Section 5: "Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness."

The amendments were severally adopted.

Mr. Metcalfe offered the following amendment to the bill:

Amend House Bill No. 256, page 4, line 32, by adding after the word "month," in said line, the following: "Provided further, that in districts composing an entire county, high school transportation aid, as authorized in this Section, may be granted for the purpose of transporting high school pupils within such districts to the most convenient accredited high school located in the county."

The amendment was adopted.

Mr. Kayton offered the following amendment to the bill:

Amend House Bill No. 256, page 2, Section 1, line 8, and lines 9 and 10, by striking out the words and figures "\$4,000" and substituting in lieu thereof the words and figures "\$1,875."

Mr. Laird moved to table the amendment by Mr. Kayton.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—70

Aikin.	Leonard.
Alsup.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Barrett.	Mackay.
Bourne.	Mathis.
Bradley.	McCullough.
Butler.	McGregor.
Canon.	McKee.
Chastain.	Morrison.
Cowley.	Morse.
Dean.	Munson.
Devall.	Nicholson.
Dwyer.	Pavlica.
Fain.	Puryear.
Few.	Ray.
Fuchs.	Reed of Bowie.
Glass.	Rogers of Hunt.
Golson.	Rogers
Good.	of Ochiltree.
Goodman.	Rollins.
Harman.	Russell.
Harris.	Scarborough.
Head.	Scott.
Hester.	Shults.
Hicks.	Smith.
Hodges.	Steward.
Huddleston.	Sullivant.
Hunt.	Tennyson.
Hyder.	Thomas.
James.	Tillery.
Johnson	Turlington.
of Anderson.	Van Zandt.
Jones of Atascosa.	Wagstaff.
Kyle of Palo Pinto.	Wells.
Laird.	Wood.
Lemens.	

Nays—36

Adamson.	McClain.
Anderson	Merritt.
of Bexar.	Metcalfe.
Baker.	Mitcham.
Beck.	Moore.
Camp.	Parkhouse.
Clayton.	Ratliff.
Coombes.	Reader.
Crossley.	Riddle.
Davidson.	Ross.
Fisher.	Savage.
Graves.	Shannon.
Hill of Brazoria.	Stovall.
Hill of Webb.	Tarwater.
Holekamp.	Townsend.
Hoskins.	Vaughan.
Jackson.	Walker.
Kayton.	Young.
Kyle of Hays.	

Absent

Alexander.	Celaya.
Bedford.	Colson.
Burns.	Daniel.
Cathey.	Dunlap.
Caven.	Dunagan.

Duvall.	Latham.
Engelhard.	Long.
Ford.	McDougald.
Greathouse.	Moffett.
Griffith.	Palmer.
Haag.	Patterson.
Hankamer.	Pope.
Harrison.	Ramsey.
Hartzog.	Roberts.
Holland.	Stanfield.
Holloway.	Stinson.
Hughes.	Weinert.
Jefferson.	Winningham.
Jones of Shelby.	

Absent—Excused

Barron.	Jones of Runnels.
Calvert.	Reed of Dallas.
Johnson	Renfro.
of Dimmit.	

Mr. Stinson offered the following amendment to the bill:

Amend House Bill No. 256 by striking out the figures "\$4,000,000," in Section 1, wherever they appear, and insert in lieu thereof the figures "\$2,500,000."

Mr. Morrison moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—65

Aikin.	Jones of Atascosa.
Alsup.	Kyle of Palo Pinto.
Anderson	Laird.
of Johnson.	Leonard.
Butler.	Lindsey.
Canon.	Lotief.
Celaya.	Mackay.
Chastain.	Magee.
Cowley.	McClain.
Devall.	McCullough.
Fain.	McGregor.
Few.	McKee.
Fisher.	Merritt.
Fuchs.	Mitcham.
Glass.	Morrison.
Greathouse.	Pavlica.
Harman.	Puryear.
Harris.	Ray.
Harrison.	Reed of Bowie.
Hartzog.	Roberts.
Head.	Rogers of Hunt.
Hicks.	Rogers
Huddleston.	of Ochiltree.
Hunt.	Rollins.
Hyder.	Russell.
James.	Scarborough.
Jefferson.	Scott.
Johnson	Shults.
of Anderson.	Smith.

Stovall.	Turlington.
Sullivant.	Van Zandt.
Tennyson.	Wells.
Thomas.	Wood.
Tillery.	Young.

Nays—47

Adamson.	Holekamp.
Anderson	Hoskins.
of Bexar.	Hughes.
Baker.	Jackson.
Barron.	Kayton.
Bedford.	Kyle of Hays.
Bradley.	Metcalfe.
Camp.	Moore.
Clayton.	Munson.
Colson.	Nicholson.
Coombes.	Parkhouse.
Crossley.	Ratliff.
Davidson.	Reader.
Dean.	Riddle.
Ford.	Ross.
Golson.	Shannon.
Good.	Steward.
Goodman.	Stinson.
Graves.	Tarwater.
Griffith.	Townsend.
Haag.	Vaughan.
Hankamer.	Wagstaff.
Hill of Brazoria.	Walker.
Hill of Webb.	Winningham.

Absent

Alexander.	Holloway.
Barrett.	Jones of Shelby.
Beck.	Latham.
Bourne.	Lemens.
Burns.	Long.
Cathey.	Mathis.
Caven.	McDougald.
Daniel.	Moffett.
Dunlap.	Morse.
Dunagan.	Palmer.
Duvall.	Patterson.
Dwyer.	Pope.
Engelhard.	Ramsey.
Hester.	Savage.
Hodges.	Stanfield.
Holland.	Weinert.

Absent—Excused

Calvert.	Jones of Runnels.
Johnson	Reed of Dallas.
of Dimmit.	Renfro.

Mr. Kayton offered the following amendment to the bill:

Amend House Bill No. 256, page 3, by striking out all of Section 6, and substituting in lieu thereof the following:

"No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing

for the annual support of its schools by voting, levying, and collecting for the current year a local school tax, exclusive of the tax for interest and sinking funds for bonds, of not less than 25 cents on the \$100 property valuation, in the entire district; and provided further, that the property valuation shall not be less than said property is valued for State and county purposes; and provided further, that no county shall receive over twenty-five thousand dollars (\$25,000) from the aid fund in any one year."

KAYTON,
GOOD.

On motion of Mr. Hunt, the amendment was tabled.

Mr. Ray offered the following amendment to the bill:

Amend House Bill No. 256, page 7, Section 20, line 7, after the word "concerned," by adding the following: "or on petition signed by a majority of the qualified voters of the district."

The amendment was adopted.

(Speaker in the Chair.)

Mr. Good offered the following amendment to the bill:

Amend House Bill No. 256 by striking out all of Section 13 thereof.

GOOD,
BUTLER,
MITCHAM,
WOOD.

Mr. Harman moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Question—Shall the bill be passed to engrossment?

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 914, A bill to be entitled "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power

of sale of real property for debt, now advertised to be made on May 2, 1933, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 122, "An Act to regulate the manufacture, sale, and disposition of non-intoxicating malt liquors and the places wherein same are manufactured and sold; defining 'non-intoxicating malt liquors'; imposing an occupation tax upon certain persons, firms, corporations, and associations of persons manufacturing and selling non-intoxicating malt liquors; defining 'manufacturers' of such non-intoxicating malt liquors, and regulating the business thereof, etc.; and declaring an emergency."

H. B. No. 914, "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power of sale of real property for debt, now advertised to be made on May 2, 1933, and declaring an emergency."

S. C. R. No. 25, Granting Raymond Canion permission to sue the State.

S. C. R. No. 28, Granting E. B. Sullivan permission to sue the State.

S. C. R. No. 34, Providing for a portrait of Ex-Governor Ross Sterling.

S. C. R. No. 38, Relative to the San Antonio State Hospital.

NOTICES GIVEN

Notices were given that motions would be made to take up, for consideration on the next legislative day, the following bills and resolutions, which bills and resolutions had heretofore been laid on the table subject to call:

Senate Bills Nos. 107, 160, and 165; House Bills Nos. 12, 47, 55, 95, 100, 144, 183, 234, 249, 250, 251, 299, 307, 318, 337, 384, 391, 447, 476, 508, 528,

536, 555, 574, 649, 655, 717, 844, and 832; Senate Joint Resolution No. 11, and House Joint Resolution No. 25.

ADJOURNMENT

Mr. Stinson moved that the House recess to 7:45 o'clock p. m., today.

Mr. Chastain moved that the House recess to 9 o'clock a. m., tomorrow.

Mr. Beck moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion of Mr. Beck prevailed, and the House, accordingly, at 6 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Judiciary: House Bill No. 914.

Banks and Banking: Senate Bill No. 440.

Municipal and Private Corporations: House Bill No. 879.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 914, A bill to be entitled "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power of sale of real property for debt now advertised to be made on May 2, 1933, or which was advertised for sale on March 7, 1933, or April 4, 1933, but which sale was stayed and postponed by virtue of Acts of the Forty-third Legislature, until the first Tuesday in June, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given

for sale on March 7, 1933, or April 4, 1933, or May 2, 1933, shall be required for such sale on the first Tuesday in June, 1933; providing the lien sought to be foreclosed was not procured for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation, or embezzlement; providing the period for making return on any such execution or order of sale is extended for such period as may be necessary for officer to make return, but such extension shall not extend beyond June 1, 1933; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,
Austin, Texas, April 29, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 459, A bill to be entitled "An Act to amend Acts, 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 13, relating to the issuance of license number plates; providing that said plates shall be manufactured and produced in the State Penitentiary, at Huntsville, Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice Chairman.

Committee Room,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 484, A bill to be entitled "An Act providing for the repeal of Section 4-a, Chapter 22, General Laws of the Fifth Called Session of the Forty-first Legislature, being 'An Act providing for the sale of certain lands in Sabine Lake,' and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice Chairman.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 914, "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power of sale of real property for debt, now advertised to be made on May 2, 1933, or which was advertised for sale on March 7, 1933, or April 4, 1933, but which sale was stayed and postponed by virtue of Acts of the Forty-third Legislature, until the first Tuesday in June, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on March 7, 1933, or April 4, 1933, or May 2, 1933, shall be required for such sale on the first Tuesday in June, 1933; providing the lien sought to be foreclosed was not procured for the purpose of securing, in part or whole, any indebtedness for money or property procured by misrepresentation, fraud, defalcation, or embezzlement; providing the period for making return on any such execution or order of sale is extended for such period as may be necessary for officers to make return, but such extension shall not extend beyond June 1, 1933, and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 873, "An Act providing that in counties containing a population of not less than seventy-five thousand (75,000) and not more than eighty thousand (80,000), as shown by the last preceding Federal Census, and which contain navigation districts, water improvement districts, and water control and improvement districts, the county auditor shall audit books, accounts, records, bills, and warrants of such districts, and other districts created for improvement and conservation purposes which are not administered by the commissioners court of such counties; providing that the officers and directors of such districts shall, on or before the tenth of each month, make and file with the county auditor, reports in writing of collections and disbursements, and providing that annually, between July 1 and October 1, the county auditor shall audit the books, accounts, records, bills, and warrants of such districts; providing that only Articles 1667, 1672, and 1673, Revised Statutes of Texas, shall apply to such counties; repealing all laws and parts of laws in conflict herewith; providing if any part of this Act shall be declared unconstitutional, it shall not affect the validity of the remainder; and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of Mr. A. L. Jones

Mr. Bourne offered the following resolution:

Whereas, On yesterday, April 30, 1933, Mr. A. L. Jones, of Normangee, Texas, beloved brother of our worthy and esteemed fellow Member, the Hon. H. O. Jones, was called to his eternal reward through the infinite wisdom of the Supreme Ruler of the Universe; and

Whereas, Our deepest and most heartfelt sympathy at this time of bereavement goes out to our distinguished Member and his family; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we now express to our worthy Member, Hon. H. O. Jones, and the family of the deceased, our sincere sympathy in this hour of bereavement, and that when the House adjourns today that it do so out of honor and respect to the memory of Mr. A. L. Jones, and that a copy of this resolution be spread upon the Journal of the House, and that copies hereof be furnished to the Hon. H. O. Jones, and to members of the family of the deceased.

BOURNE,
LINDSEY,
METCALFE,
PALMER.

The resolution was read second time.

On motion of Mr. Puryear, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Shelby, Kayton, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Lemens, Leonard, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Hunt, Rogers of Ochiltree, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, Winningham, Wood, Young.

The resolution was then unanimously adopted.